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Published by Authority.

LAHORE, FRIDAY, JANUARY 3, 1908.

PART II

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 21, 1907.

HOME DEPARTMENT.

NOTIFICATIONS.

EXAMINATIONS.

Calcutta, the 20th December 1907.

Rules for the Examinations of Junior Civilians in Oriental Languages.

No. 632.—The following amended rules* for the encouragement of the study of oriental languages among the junior members of the Indian Civil Service serving elsewhere than in Madras or Bombay, for which provinces there are separate rules, have been substituted for those published in the Home Department notification No. 708, dated the 27th October 1905. They are published for general information, together with a list of authorized text-books and with relevant extracts from the Civil Service Regualtions. They will come into force at once.

These rules are also applicable, subject to the modifications stated below and in rule V, to all military officers in permanent civil employ serving in Bengal, the United Provinces, the Punjab, Burma, Eastern Bengal and Assam, and the Central Provinces; to officers of the Political Department of the Government of India, including military officers in permanent political employ; to chaplains and to gazetted police officers serving elsewhere than in Madras or Bombay.

Officers of the Political Department, including military officers in permanent political employ, will be eligible, under the rules obtaining in the adjoining presidency or province, for rewards for passing examinations in the vernacular languages spoken in the Agency or province in which they are serving. Chaplains are only eligible for rewards for passing examinations in the vernacular languages of the province in which they are serving, and no rewards will be given to such officers for passing in Arabic, Sanskrit or Persian. The examination of chaplains by the higher standard is regulated by the military rules. The scale of rewards admissible to these officers for passing by the higher standard is laid down in paragraph 376 of the Army Regulations, India, Volume I, with the exception that no rewards be given for Arabic, Sanskrit or Persian.

* These rules do not in any way affect the departmental examinations in law, langauge, etc., which junior civilians have to pass under the orders of local Governments.

Gazetted police officers belonging to Bengal, the United Provinces, the Punjab, Eastern Bengal and Assam, the Central Provinces, Coorg and Hyderabad, and not being statutory natives of India, are eligible for rewards for passing the high proficiency examination, but not the degree of honour examination, in the vernacular languages current in the province to which they belong. In the North-West Frontier Province, Persian is regarded as a vernacular language of the province for police officers of rank not lower than assistant superintendent and such officers are granted a munshi allowance of R.180 for passing the higher standard examination in that language. Gazetted police officers serving in Berar are also eligible on passing the examination in Marathi by the high proficiency standard for a reward of the same amount (R.1,000) as is admissible to junior civilians for passing that examination under the rules in force in the Bombay Presidency.

I.—The standards of examination and the donations to be given to successful candidates will be as follows:—

		R.	
Higher Standard	Persian	500	With certificate from the presiding examiners.
	Arabic	800	
	Sanskrit	800	
High Proficiency	Hindustani	1,000	With certificate from the presiding examiners.
	Hindi	1,000	
	Bengali	1,000	
	Uriya	1,000	
	Assamese*	1,000	
	Persian	2,000	
	Arabic	2,000	
	Sanskrit	2,000	
Degree of Honour	Hindustani	2,000	With diploma from the Government of India.
	Hindi	2,000	
	Bengali	2,000	
	Persian	4,000	
	Arabic	5,000	
	Sanskrit	5,000	

II.—Subject to the condition that an officer serving in the Upper Provinces will not be eligible for examination in Bengali, Assamese or Uriya, until he has obtained a certificate in one of the other languages, candidates may present themselves for examination in any of the languages enumerated in rule I. An officer attached to the Upper Provinces, who may have obtained a certificate of high proficiency in Hindustani (Urdu), Hindi or Persian, under the rules of the 2nd October 1861, of the 24th March 1870, of the 2nd January 1880, or the 27th October 1905, will be deemed to have satisfied the foregoing condition.

III.—No officer will be permitted to present himself for examination by two standards of the same language simultaneously, but he may have the option of competing for the higher examinations in any language without first undergoing any inferior test. A candidate may, however, present himself for examination in more than one language on the same day, but he will be required to perform the exercises within the time allotted for one.

IV.—No officer will ordinarily be permitted to appear more than twice as a candidate at any examination; but if a special recommendation be made by the examiners, a candidate will be allowed to appear a third time.

V.—No officer will be permitted to earn a reward for passing an examination by the higher standard, high proficiency, or degree of honour standard after the expiration of five, ten and fifteen years, respectively, counted from the date of his first arrival in India.

Officers may be permitted to attend the examinations after the expiration of the periods specified in this rule, but no reward will be granted to them if they pass; and their leave must be limited to such time as may be necessary to enable them to attend the examination, and no extra expense must under any circumstances be caused to the State. In such cases it will be within the competence of local Governments to refuse applications for permission to attend any particular examination, when compliance with such applications would involve inconvenience to the public service.

In the case of military officers in permanent civil or political employ the limit of time specified in this rule within which an officer can earn a reward for passing the higher standard, high proficiency and degree of honour examinations, respectively, may, for

*As an alternative to Bengali, rewards cannot be earned in both languages.

special reasons, be extended by the Government of India on the recommendation of the local Government, Resident or Agent to the Governor General under whose orders the officer is serving.

In its application to gazetted police officers the period of time specified in this rule will be reckoned in the case of officers appointed after an examination held in this country from the date of appointment in India, the date of first arrival in India holding good for officers selected in England.

VI.—Officers who may have passed examinations under the rules of 1861 (cancelled in section VII of the rules of 1870) or of 1870 (cancelled in section I of the rules of 1880) or of 1880 (cancelled in the preamble to the rules of 1905) or of 1905 (cancelled in the preamble to the present rules) will not be eligible to attend corresponding examinations in the same language or languages under these rules.

VII.—Officers who are natives of India are not eligible for rewards in passing in the vernacular of the district in which they were born or educated. The local Government shall determine in each case what languages come within this definition.

VIII.—Examinations will be held quarterly on the first Monday in January, April, July, and October of each year at Calcutta. When the first Monday in the quarter is a gazetted holiday the examination will be held on the following Monday or, if that is also a gazetted holiday, on the next working day thereafter.

NOTE.—The term gazetted holiday should be held to mean :—

(1) Holidays prescribed or notified under section 25 of the Negotiable Instruments Act, 1881.

(2) Holidays on which, by Government notification in the Gazette, any public office is ordered to be closed for the transaction of public business without reserve or qualification.

Officers desirous of attending examinations for which they are eligible must apply for leave to do so to the local Government, Resident or Agent to the Governor General at least three months before the date of examination, and a copy of such permission should be forwarded to the Secretary, Board of Examiners, Calcutta; but officers attached immediately to the Government of India must apply for leave to the Home Department, through the department of the Government of India under which they are serving, and such application must be accompanied by a certificate from the Accountant-General of the province to which the applicant belongs or in the case of officers of the Political Department of the Government of India from the Accounts Officer under whose audit control the applicant is serving, that he has not exceeded the time of residence mentioned in rule V.

IX. (A)—The following are the subjects of examination for the higher standard in Sanskrit and Persian :—

(*a*) Construing, with readiness and accuracy, from the undermentioned books:—

Sanskrit	Riju Pátha.
Persian	1. A selection from the "Tarikh-i-Sāsāniyān." 2. A selection from the "Safar Nāma-i-Shāh-i-Irān." 3. "Narratives of Mrs. Hortestet" translated by I'timād-us-Sultana.

NOTE.—The three Persian selections are bound in one volume entitled the "Hadiqa-yi-Fasāhat.

(*b*) Translating accurately and with correctness of idiom and grammar not less than half an ordinary octavo page of plain English into the language in which the examination is held.

(*c*) Reading manuscripts fairly, and translating them readily and correctly. These manuscripts may be selected from the proceedings of a case in court, from reports or petitions addressed to civil or military authorities, from letters passing in the ordinary course of business, or from private correspondence. They should not be written with the clearness of a printed book, nor yet in a very cramped or crabbed hand, but in such a manner as fairly and honestly to represent the written characters generally employed.

(*d*) *Vivá voce* translation into the language of a paper of English sentences, and (in Persian only) conversing in the examiner's presence with a native of Persia, with fluency and with such correctness of pronunciation, grammar and idiom as to be at once intelligible. In Sanskrit the colloquial test will be omitted.

(B)—The following are the subjects for the higher standard examination in Arabic :—

(*a*) Translation from English into Arabic (written) ;

NOTE.—This translation should be marked with the vowel points.

(*b*) *Vivâ voce* translation into Arabic of a letter on a simple subject ;

(*c*) *Vivâ voce* examination in the prescribed text-book (Ar-Rauzatu-z-Zakīya) ;

(*d*) Reading and translating an Arabic manuscript of moderate difficulty selected as in rule IX (A) (*c*) above ;

(*e*) Conversation of a simple character in Arabic with an Arab.

X.—The following are the text-books prescribed for the high proficiency examination. In Persian half the passages for translation will be selected from the listed works and half from works of a similar standard of difficulty.

Hindustani	Ikhwān-u's-Safā. Nasr-i-be-Nazīr. Arā'ish-i-Mahfil. Masnawīyāt of Saudā.
Hindi	Ráj Níti. Prem Ságar. Rámáyana, Book II.
Bengali	Sitáharan. Sakuntalá. Sitár Banabás. Bijay Ballabha.
Assamese	Rámáyana—by Sankara Deb (207 pages, up to the end of the Aranya Kanda). Assam Buranji by Srijut Kasinath Tamuli Phukan—1844 edition (the whole). Assam Buranji—by Srijut Padmanath Barua—1902 (the whole).
Uriya	Hitopadesha. Batris Singhásan. Rámáyana, Sundara Kánda.
Arabic	Nafhat-ul-Yaman. Selections from Alf Lailah.
Sanskrit	Hitopadesha. First nine cantos of Raghuvansa (expurgated edition by Iswara Chandra Vidyasagar).
Persian	*Prose*— Gulistān. Siyāhat-Nāma-i-Ibrāhīm Beg. Hājī Bābā Ispahānī. Āsār-i-'Ajam. Autobiography of the Amīr 'Abdu-r-Rahmān. Malcolm's History of Persia (Mirzā Hairat Mukalama-i-Saiyyah-i Īrānī. *Poetry*— Dīwān-i-'Andalīb. Dīwān-i-Sarkhush (official edition). *Newspapers*— Ittila'. Īrān.

(*a*) Translating *vivâ voce* with readiness and accuracy from the prescribed text-books and answering questions arising out of the passages in which the candidate is examined.

(*b*) Written translation into English of a previously unseen passage in narrative style selected from the current literature of the day.

NOTE.—This rule does not apply to Sanskrit. The passages set for translation from Arabic and Persian into English will not necessarily be in narrative style.

(*c*) Written translation, with accuracy of idiom and neatness of expression into the language in which the examination is held, of an English paper in narrative style.

NOTE.—The translations into Arabic should be marked with the vowel points.

(*d*) Written translation of a paper of idiomatic sentences in English into the language.

NOTE.—The translations into Arabic should be marked with the vowel points.

(*e*) Conversation in the language (except in Sanskrit). In this portion of the test the candidate will be expected to converse freely and fluently on general subjects.

NOTE.—In the case of Arabic and Persian the candidate must exhibit a competent knowledge of the modern spoken idiom. Candidates in Arabic will be required to converse with an Arab speaking pure Arabic. In the case of Persian the conversation may be with a native of Shiraz, Teheran or Gilan.

(*f*) Reading and translating at sight manuscript in the language.

(*g*) *Vivâ voce* translation at sight into the language of a paper in English placed before the candidate. This translation as it is made will be written by a munshi as dictated by the candidate, who will be permitted to correct his translation when completed upon its being read out to him by the examiner. The time occupied in this exercise will be taken into account in awarding marks.

(*h*) A paper of grammatical questions.

XI.—The following are the subjects for the Degree of Honour examination :—

Hindustani	Fisāna-'i-'Ajā'ib. Diwān of Ātash, 1st half. Kulliyāt of Saudā. Urdū-'i-Mu'allā of Ghālib.
Hindi	Satsaiyá of Behári Dās, with Commentary of Sri Lállu Láll. Sabhá Bilás. Rámáyana of Tulsi Dás.
Bengali	Mahábhárata. Translation by Kási Dás, Books I-III. Kādambarí. Alláler Gharer Dulál. Kapála Kundalā.
Arabic	Hamāsah, 1st two Books, pp. 1—109, Calcutta edition. Tīmūr Nāmah. Maqāmāt of Harīri, 1st half. Sab' Mu'allaqāt.
Sanskrit	(*a*) 1st and 2nd Adhyáyas of the 1st Ashtaka of the Rigveda Sanhitá. (*b*) Cantos I to VI and XI to XVIII, inclusive, of the expurgated edition of the Kirátárjuníya of Iswara Chandra Vidyasagar. (*c*) Sakuntalá Nátaka.

Persian ... ...

The degree of honour test in Persian will comprise the whole range of the language and a knowledge of the classical as well as of the modern language will be demanded of the candidate.

The following works are recommended for study:

Prose—

Nāsikhu-t-Tawārīkh, Vols. I & X.
Mi'rāju-s-Sa'ādat.
Safar Nāma-i-Shāh-i-Īrān.
Akhlāq-i-Jalālī.
Shamsa-wa-Qahqaha.
Durra-i-Nādirī.
Waqāyi'-i-Ni'mat Khān-i-'Ālī.
Akbar Nāma.

Poetry—

Dīwān-i-Hāfiz.
Qasāid Qu'ānī (official edition).
Shāh Nāma.
Muntakhab-i-Shaibānī.

Prosody and Rhetoric—

Hadaiqu-l-Balāghat.
Rhetorique et Prosodie.

Newspapers—

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(*a*) A written examination in the prescribed books, the papers set in which will include questions in grammar (including philology) and prosody. In Persian half the passages for translation will be selected from the listed works and half from works of a similar standard of difficulty.

(*b*) Written translation into English of difficult unseen passages in prose.

NOTE.—The passages will, in all languages except Sanskrit, be selected from the current literature of the day.

(*c*) Written translation into English of difficult unseen passages in verse.

(*d*) Translating into the language a difficult passage (or passages) in English with such accuracy, elegance, and idiomatic excellence as shall show eminent proficiency in the language.

NOTE.—The translations into Arabic should be marked with the vowel points.

(*e*) Conversing with accuracy and fluency (except in Sanshrit).

NOTE.—In the case of Arabic the candidate will be expected to converse with an Arab speaking pure Arabic. In the case of Persian the conversation may be with a native of Shiraj, Teheran or Gilan.

(*f*) Reading and translating at sight a difficult manuscript in the language.

(*g*) *Vivâ voce* transalation at sight into the language of a paper in English placed before the candidate. This translation as it is made will be written by a munshi as dictated by the candidate who will be permitted to correct his translation when completed upon its being read out to him by the examiner. The time occupied in this exercise will be taken into account in awarding marks.

XII.—The honour examination will be of a searching nature, and the exercises, both oral and written, must be performed with such excellence as distinctly to establish a claim to eminent proficiency.

XIII.—Successful candidates for the degree of honour will be arranged in two divisions according to the number of marks obtained. For the first division 80 per cent. of the marks must be obtained in all subjects, and not less than 60 per cent. in any one paper; for the second division, 60 per cent. must be obtained in all subjects, and not less than 45 per cent. in any one paper. The reward and diploma will be granted only to candidates passing in the first division and their names only will be published in the *Gazette of India.* Those passing in the second division will be deemed to have passed for the purposes of leave and travelling allowance rules, but they will not be allowed the benefit of these rules on a second occasion, should they elect to compete again for the reward of a degree of honour.

List of authorised or recommended text-books.

The following list of text-books prescribed for the various examinations, or in the case of Persian, books recommended for the guidance of candidates in reading, together with the places* where they may be obtained, is published for general information :—

Language	Text-book	Where obtainable
Hindustani	Ikhwān-u's-Safa	Board of Examiners, Calcutta, and Messrs. Thacker, Spink & Co.
	Nasr-i-be-Nazir	Board of Examiners, Calcutta, and Messrs. Thacker, Spink & Co.
	Ārā'ish-i-Mahfil	Board of Examiners, Calcutta, and Messrs. Thacker, Spink & Co.
	Masnawiyát of Saudā	Board of Examiners, Calcutta, and Messrs. Thacker, Spink & Co.
	Kulliyāt of Saudā	Board of Examiners, Calcutta, and Messrs. Thacker, Spink & Co.
	Fisāna-i-'Ajā'ib	Board of Examiners, Calcutta, and Messrs. Thacker, Spink & Co.
	Dīwān-i-Ātash (Lucknow edition)	Bazaars.
	Urdū-'i-Mu'allá of Ghālib	Board of Examiners, Calcutta.
Hindi	Satsaiyá of Behári Dás with Commentary of Lállu Láll, edited by Dr. Grierson.	Board of Examiners, Calcutta.
	Sabhá Bilás	Bazaars.
	Rámáyana of Tulsi Dás (Ramjasau's edition)	Medical Hall Press, Benares.
	Ráj Nití edited by Lt.-Col. Toker and Dr. K. M. Banerjee.	Board of Examiners, Calcutta.
	Prem Sāgar (Calcutta edition of 1842)	Bazaars.
Bengali	Sitáharan	Bazaars.
	Sakuntalá	Bazaars.
	Sitár Banabás	Bazaars.
	Bijay Ballabha	Bazaars.
	Kádambarí	Bazaars.
	Mahábhárata (Translation by Kási Das)	Bazaars.
	Alláler Gharer Dulál, by Babu Piyari Chand Mittra.	Bazaars.
	Kapála Kundalá, by Bankim Chunder Chatterji.	Bazaars.
Assamese	Rámáyana—by Sankara Deb	Srijut Sibnath Bhattacharya, Dibrugarh, or Lila Agency, Tezpur.
	Assam Buranji—by Srijut Padmanath Barua	Srijut Sibnath Bhattacharya, Dibrugarh, or Lila Agency, Tezpur.
	Assam Buranji—by Srijut Kasinath Tamuli Phukan.	Board of Examiners, Calcutta.
Uriya	Hitopadesha	Baptist Mission Press, Calcutta.
	Batris Singhásan	Orissa Mission Press, Cuttack.
	Rámáyana, Sundara Kánda	Orissa Mission Press, Cuttack.
Arabic	Ar-Rauzatu-z-Zakiyah	Board of Examiners, Calcutta.
	Selections from the Alf Lailah	Board of Examiners, Calcutta, and Messrs. Thacker, Spink & Co.
	Nafhat-ul-Yaman	Board of Examiners, Calcutta.
	Hamāsah	Board of Examiners, Calcutta.
	Sab' Mu'allaqāt	Board of Examiners, Calcutta.
	Maqāmāt of Harīrī	Board of Examiners, Calcutta.
	Tīmūr Nāmah	Board of Examiners, Calcutta.
Sanskrit	Riju Pátha (Calcutta edition)	Bazaars.
	Hitopadesha	Bazaars.
	Raghuvansa, expurgated edition (Vidyáságar).	Messrs. Thacker, Spink & Co.
	1st and 2nd Adhyáyas of 1st Ashtaka of Rigveda Sanhitá (edited by Reverend Dr. Banerjea).	Messrs. Thacker, Spink & Co.
	Kiratárjuníya (edited by Vidyáságar)	Sanskrit Press Depository, Calcutta.
	Sakuntalá Nátaka	Sanskrit Press Depository, Calcutta.

* Where difficulty is experienced in obtaining books shown as obtainable in the bazaars students are advised to refer to the Board of Examiners, Calcutta, or Messrs. Thacker, Spink & Co., who can frequently supply them. Newspapers cannot be so obtained.

Persian

HIGHER STANDARD.

Selection from the Tārīkh-i-Sāsāniyān; Selection from the Safar-Nāma-i-Shāh i-Īrān; Narrative of Mrs. Hortestet (translated by I'timādu-s-Sultana).	Board of Examiners, Calcutta.

HIGH PROFICIENCY.

Prose—

1. Gulistān	Board ol Examiners, Calcutta.
2. Siyāhat Nāma-i-Ibrāhīm Beg ...	Hablu-l-Matin Press, Calcutta.
3. Hājī Bābā Ispahānī ...	Asiatic Society of Bengal.
4. Asār-i-'Ajam ... ...; 5. Autobiography of the Amīr'Abdu-r-Rahmān.; 6. Malcolm's History of Persia (Mirzā Hairat).	Haji Aga Shirazi, Booksellers, Bombay.
7. Mukalama-i-Saiyyah-i-Īrānī ...	Hablu-l-Matin Press, Calcutta.

Poetry—

8. Dīwán-i-'Andalīp	Haji Aga Shirazi, Booksellers, Bombay.
9. Dīwān-i-Sarkhush	Board of Examiners, Calcutta, and Messrs. Thacker, Spink & Co.

Newspapers—

10. Ittilā' ... ...; 11. Īrān	Hablu-l-Matin Press, Calcutta, agent to these papers, or Teheran.

DEGREE OF HONOUR.

Prose—

12. Nāsikhu-t-Tawārīkh ...; 13. Mi'rāju-s-Sa'ādat ... ...; 14. Safar Nāma-l-Shāh-i-Īrān ...	Haji Aga Shirazi, Booksellers, Bombay.
15. Akhlāq-i-Jālālī	Newal Kishore Press, Lucknow.
16. Shamsa-wa-Qahqaha ...	Haji Aga Shirazi, Booksellers, Bombay.
17. Durra-i-Nādirī ... ...; 18. Waqāyi'-i-Ni'mat Khān-i-'Alī ...; 19. Akbar Nāma	Newal Kishore Press, Lucknow.

Poetry—

20. Dīwān-i-Hāfiz	Board of Examiners, Calcutta.
21. Qasāid Qa'ānī	Board of Examiners, Calcutta, and Messrs. Thacker, Spink & Co.
22. Shāh Nāma	Board of Examiners, Calcutta.
23. Muntakhab-i- Shaibāni ...	Hablu-l-Matin Press, Calcutta.

Prosody and Rhetoric—

24. Hadāiqu-l-Balāghat ...	Ditto ditto.
25. *Rhetorique et Prosodie* ...	Maisonneuve et Cie, Quai Voltaire 15, Paris.

Newspapers—

26. Ittila' ... ...; 27. Īrān	Hablu-l-Matin Press, Calcutta, agent to these newspapers. or Teheran.
28. Hablu-l-Matīn	Hablu-l-Matin Press, Calcutta.

Persian—*contd.*

GRAMMARS AND MANUSCRIPTS.

The following grammars are recommended as most likely to assist students in their general reading :—

Modern Persian colloquial grammar, by Dr. Fritz-Rosen.

Modern Persian conversation grammar, with key, by the Revd. W. St. Clair Tisdale.

Grammar of the Persian language, by J. T. Platts.

Specimens of Persian manuscripts published by the Board of Examiners, Calcutta, are available at the offices of the Secretary to the Board of Examiners, Calcutta and Madras, and the Secretary to the Civil and Military Examination Committee, Bombay.

NOTE.—For the convenience of candidates, the Board of Examiners, Calcutta, annually publishes a collection of question papers, price Rs. 3 per copy, obtainable from the Librarian, Board of Examiner's office, Calcutta.

EXTRACTS FROM THE CIVIL SERVICE REGULATIONS.

Examination leave of absence.

The following extracts from the Civil Service Regulations are given for the purpose of easy reference:—

279. In cases not specially provided for in this section permission to appear at an optional examination prescribed by Government in any of the oriental languages carries with it the grant of joining time (excluding the time allowed for preparation) to and from the place of examination, besides leave for the day or days of examination.

280. (*a*) A candidate for a reward by the higher standard in Arabic or high proficiency in Arabic or Persian, may be allowed either (i) leave for one month before the examination, and, if he passes, for another month after it, or (ii) if he undertakes to spend it in study under professional tuition at a presidency town, the whole period of two months before the examination.

(*b*) An officer who is a candidate for the degree of honour in Arabic or Persian may be allowed either leave for two months under clause (*a*), or if he leaves India for study, leave for four months to Persia for Persian, or for six months to Arabia, Mesopotamia, Egypt, or Syria for Arabic. Officers of the Political Department of the Government of India may be granted this leave even when they are candidates only for the higher standard or high proficiency test in Arabic or Persian.

NOTE.—Leave under clause (*a*) or *b*, is not admissible more than once; nor can such leave be combined.

(*c*) Privilege leave may not be granted in continuation of the month's leave after examination admissible under clause (*a*), but otherwise leave under this article may be combined with privilege leave, provided that privilege leave prefixed to leave under clause (*b*) must be spent in, or in travelling to, one of the countries mentioned in the clause.

(*d*) An officer on leave under this article has a lien on his appointment substantive or officiating and is entitled to leave allowances, as if he were on privilege leave, for an aggregate maximum period of twelve months.

* * * * * * *

NOTE.—[Leave granted, under Article 280, covers the whole period of absence from regular duty including the day or days of examination and the time spent in proceeding to and from the place of examination. The leave cannot be taken in instalments.]

282. Except as provided in Article 280, no kind of leave, except furlough on medical certificate, may be granted in continuation of examination leave.

* * * * * * *

No. 633.—THE following rules regarding the institution of a new literary examination in Hindustani intermediate between the higher standard and the high proficiency tests, to be called the "proficiency" examination, are published for general information in supersession of the rules published with the Home Department Notification No. 642, dated the 28th September 1906. They will have effect from the date of this notification.

I.—The examination will be open to the following classes of officers :—

(*i*) Members of the Indian Civil Service, military officers in permanent civil employ, and officers of the Political Department including military officers in permanent political employ; but no officers of the above classes serving in the Bombay Presidency will be eligible to appear at this examination. Officers who are natives of India are not eligible for the reward if Hindustani is the vernacular of the district in which they were born or educated.

(*ii*) Members of the Indian Educational Service employed in Madras, the United Provinces, the Punjab and Eastern Bengal and Assam, subject to the conditions laid down in rules ii and iii published in the Home Department notification No. 390, dated 12th July 1906.

(*iii*) Gazetted police officers (not being statutory natives of India) and chaplains employed in the United Provinces, the Punjab and the North-West Frontier Province.

(*iv*) Members of the Burma Commission who have passed by the higher standard in Hindustani.

Excepting members of the Burma Commission all the above-mentioned classes of officers are eligible to appear at the examination without having previously passed in Hindustani by the lower standard or higher standard.

II.—A reward of Rs. 500 will be granted to successful candidates other than members of the Burma Commission, who will be eligible for a reward of Rs. 750.

III.—No officer will be permitted to appear more than three times as a candidate at the examination.

IV.—No officer will be eligible for the reward unless he passes the examination before the completion of ten years counted from the date of his first arrival in India, or, in the case of police officers and chaplains, from the date of his first appointment to the Police and Ecclesiastical Departments, respectively. In the case of educational officers the time limit will be seven years counted from the date of an officer's first appointment to the Indian Educational Service. Provided that the period of time specified in this rule may, in the case of military officers in permanent civil or political employ, be extended for special reasons, on the recommendation of the local Government, or local administration under whose orders the officer is serving.

V.—The examination will be held quarterly on the first Monday in January, April, July and October of each year by the Boards of Examiners, at Calcutta and Madras. Provided that if the first Monday in the quarter is a gazetted holiday, the examination will be held on the following Monday, or if that is also a gazetted holiday, on the next working day thereafter. Officers will be examined each in his own presidency, or (in the case of an officer of the Political Department) at the examination centre which is nearest to his head-quarters: officers serving in Burma will be examined in Madras.

Note.—The term "Gazetted holiday" used in this rule should be held to mean—

(1) Holidays prescribed or notified under section 25 of the Negotiable Instruments Act, 1881.

(2) Holidays on which, by Government notification in the gazette, any public office is ordered to be closed for the transaction of public business without reserve or qualification.

VI.—Officers desirous of attending the examination must apply through the usual official channels for leave to do so to the local Government at least three months before the date of the examination. Officers attached immediately to the Government of India must apply for leave to the Home Department through the Department of the Government of India under which they are serving. The applications should be forwarded in sufficient time to reach the Boards of Examiners a month before the date of examination. They must be accompanied by a certificate from the Accounts officer who deals with the salary of the applicant of his eligibility under Rule IV to appear at the examination.

VII.—The following are the subjects of examination :—

(*a*) Written translations from English into Hindustani.

(*b*) Written translation into English of passages from the prescribed text-book (Kalam-i-Urdu.)

Note.—The text-book is obtainable either from the office of the Board of Examiners or from Messrs. Thacker, Spink & Co., Calcutta.

(*c*) An easy paper in grammar.

(*d*) Reading and translating a Hindustani manuscript of moderate difficulty.

(*e*) Conversation, including a paper of short idiomatic sentences in English to be translated into Hindustani orally at sight.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE—GENERAL MATTERS.

Calcutta, the 16th December 1907.

No. 10653—342.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following amendment shall be made in the rules published with the Notification in the Finance and Commerce Department, No. 1429-C. S. R., dated the 30th March 1899, as subsequently amended.

To rule 132 (1) the following shall be added, namely :—

Exception.—Nothing in this sub-rule shall affect the practice of the Law Courts in regard to the despatch of 'certified copies' to persons who do not appear to take them personally, and of documents filed in judicial cases the return of which has been applied for. Such documents may be posted by judicial officers in covers superscribed 'Service unpaid,' and covers so superscribed shall be charged, on delivery with postage at the rates to which they would have been liable if the postage had been prepaid. All articles so posted shall be endorsed under the full signature and official designation of the sender, according to the specimen form given on the margin."

Service unpaid
A B.,
Calcutta
C D.
Commissioner, Gorakhpur.

EXPLOSIVES.

The 20th December 1907.

No. 10789—37.—In accordance with the provisions of section 18 of the Indian Explosives Act, 1884 (IV of 1884), and of the notification of the Government of India in the Home Department No. 1964, dated the 2nd September 1887, the Governor-General in Council is pleased to publish for general information the following amendment which His Excellency in Council, in exercise of the powers conferred by section 5 of the said Act, proposes to make in the rules regulating the manufacture, possession and sale of explosives in British India published with the notification in this Department No. 9045—8 (Explosives), dated the 29th November 1906.

The draft will be taken into consideration by the Governor-General in Council on the expiration of two months from the date of publication of this notification in the *Gazette of India.*

Draft amendment.

In sub-clause (VIII) of clause (3) of rule 11, after the words "railway fog-signals" the words "and flare lights" shall be inserted.

CUSTOMS.

The 17th December 1907.

No. 10704—103.—In exercise of the power conferred by section 205 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to cancel so much of the notification of the Government of India in the Department of Commerce and Industry No. 8003—103, dated the 19th September 1907, as prohibits the bringing by sea or by land into British India of the publication "Justice."

The 20th December 1907.

No. 10889—37.—In exercise of the powers conferred by sections 22 and 23 of the Sea Customs Act, 1878 (VIII of 1878), in modification of the tariff values fixed by the Indian Tariff Act, 1894 (VIII of 1894), as amended by the Indian Tariff Act (1894), Amendment Act, 1896 (III of 1896), and as further altered from time to time by notifications of the Governor-General in Council, the Governor-General in Council is pleased to fix with effect from the 1st January 1908, for the articles specified in column 2 of the schedule hereto annexed, the tariff values stated in column 4 of the said schedule.

Provided that nothing in this notification shall affect any additional duty imposed under the powers conferred by sections 8 A and 8 B of the Indian Tariff Act, 1894 (VIII of 1894), as amended by the Indian Tariff Act Amendment Act, 1899 (XIV of 1899) the Indian Tariff (Amendment) Act, 1902 (VIII of 1902), the Indian Tariff (Amendment) Act 1903 (XII of 1903), and the Indian Tariff (Amendment) Act, 1904 (XI of 1904).

SCHEDULE IV.—(IMPORT TARIFF).

GENERAL DUTIES.

No.	Names of articles.	Per	Tariff valuation.	Duty.
	Animals, living.		Rs. a.	
1	HORSES, CATTLE, SHEEP, and all other living animals of all kinds	...	...	Free.
	Articles of Food and Drink.			
2	COFFEE	cwt	38 0	Five per cent.
3	FRUITS AND VEGETABLES (except fresh fruits and vegetables not separately enumerated, which are free)—			
	Almonds without shell	,,	58 0	,,
	,, in the shell	,,	15 0	,,
	,, (kágazi)	,,	45 0	,,
	Cashew or cajoo kernels	,,	19 0	,,
	Cocoanuts, Straits	thousand	60 0	,,
	,, other	,,	45 0	,,
	,, kernel (khopra)	cwt	17 0	,,
	Currants, in cases	,,	20 0	,,
	,, in cans	,,	26 0	,,
	,, other	,,	14 0	,,
	Dates, dry, in bags	,,	7 8	,,
	,, wet ,, baskets and bundles	,,	5 0	,,
	,, ,, in pots, boxes, tins and crates	,,	9 0	,,
	Figs, Persian, dried	,,	10 0	,,
	Garlic	,,	6 8	,,
	Hops	...	...	Free.
	Pistachio nuts	cwt	33 0	Five per cent.
	Prunes, Bussora (álu-Bokhara)	,,	30 0	,,
	Raisins, black	,,	10 0	,,
	,, kishmish, Persian Gulf	,,	14 0	,,
	,, Munakka, ,, ,, ...	,,	9 8	,,
	,, other sorts	...	*ad valorem*	,,
	Walnuts, Persian	cwt	9 8	,,
	All other sorts of fruits and vegetables...	...	*ad valorem*	,,
4	GRAIN AND PULSE, including broken grain and pulse, but not including flour	...	...	Free.
5	MINERAL AND AERATED WATERS, and all unfermented and non-alcoholic beverages	...	*ad valorem*	Five per cent.
6	PROVISIONS, OILMAN'S STORES, AND GROCERIES—			
	Bacon	...	,,	,,
	Beef and Pork	...	,,	,,
	Beche de mer	...	,,	,,
	Butter	lb	1 4	,,
	Cassava or Sago	cwt	15 0	,,
	Cheese	...	*ad valorem*	,,
	China preserves in syrup	box of six jars of a total net weight not exceeding 17 lb	5 0	,,
	,, ,, dry, candied	lb	0 5	,,
	Cocum	cwt	4 8	,,
	Fish-maws	...	...	Free.

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per.	Tariff Valuation.	Duty.
	Articles of Food and Drink—*concld.*		Rs. A.	
7	PROVISIONS, OILMAN'S STORES, AND GROCERIES—*concld.*			
	Flour	...	*ad valorem*	Five per cent.
	Ghi	cwt	60 0	"
	Margarine	lb	1 4	"
	Pork hams	...	*ad valorem*	"
	Shark-fins	...	...	Free.
	Singally and sozille	...	...	"
	Tapioca	cwt	16 0	Five per cent.
	Vinegar, in casks	...	*ad valorem*	Two and one half per cent.
	" not in casks—			
	" Persian	Imperial gallon	1 8	Five per cent.
	" Indian	"	0 6	"
	All other sorts of provisions, oilman's stores, and groceries ...	...	*ad valorem*	"
7	SPICES—			
	Betelnuts, raw, whole, split or sliced, from Goa	cwt	16 0	"
	" " " " " Ceylon ...	"	15 0	"
	" " " " " Straits	"	10 0	"
	" all other sorts	...	*ad valorem*	"
	Chillies, dry	cwt	12 0	"
	Cloves	"	45 0	"
	" stems and heads	"	7 8	"
	" in seeds, narlavang	"	11 0	"
	Ginger, dry	"	20 0	"
	Mace	lb	1 2	"
	Nutmegs	"	0 5½	"
	" in shell	"	0 4	"
	Pepper, black	cwt	33 0	"
	" white	"	50 0	"
	All other sorts of spices	...	*ad valorem*	"
8	SUGAR, China, candy	cwt	23 0	"
	" loaf (excluding cube and chopped)	"	14 0	"
	" crystallised, beet	"	9 8	"
	" " and soft (other than beet) refined in the United Kingdom ...	"	9 8	"
	" " " " refined in China	"	11 0	"
	" " " " from Egypt	"	9 10	"
	" " " " superior white from Java ...	"	9 10	"
	" " " " from Java, 21 to 25 Dutch standard	"	9 6	"
	" " " " " 16 to 20 Dutch standard	"	8 0	"
	" " " " " 15 Dutch standard and under	...	*ad valorem*	"
	" " " " from Mauritius	cwt	9 4	"
	Mollasses from Java	"	2 4	"
	" " other countries	"	3 0	"
	Sugar, all other sorts, including saccharine produce of all kinds and confectionery	...	*ad valorem*	"
9	TEA, black	lb	0 10	"
	" green	"	0 12	"
	Chemicals, Drugs, Medicines, and Narcotics, and Dyeing and Tanning Materials.			
10	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric	lb	0 1½	Five per cent.
	Alkali, Indian (sajji khar)	cwt	2 4	"
	Alum	"	4 8	"
	Arsenic (other than European)	"	29 0	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Chemicals, Drugs, Medicines, and Narcotics, and Dyeing and Tanning Materials—*contd.*		Rs. A.	
10	CHEMICAL PRODUCTS AND PREPARATIONS—*concld.*			
	Arsenic (China mansil)	cwt	28 0	Five per cent.
	" other sorts	...	*ad valorem*	"
	Bicarbonate of soda	cwt	6 0	"
	Copperas, green	...	*ad valorem*	Two and one-half per cent.
	Explosives, namely, blasting gelatine, dynamite, roburite, onite, and all other descriptions, including detonators and blasting fuse	...	"	Five per cent.
	Sal ammoniac	cwt	31 0	"
	Sulphate of copper	"	24 0	"
	Sulphur (brimstone), flour	"	5 12	"
	" ("), roll	"	5 4	"
	" ("), rough...	"	4 12	"
	All other sorts of chemical products and preparations, including saltpetre, borax, grape sugar and glucose, but excluding nitrate of soda, muriate of potash, sulphate of ammonia, sulphate of potash, and kainit salts, which are free ...	...	*ad valorem*	"
11	DRUGS, MEDICINES, AND NARCOTICS—			
	Aloes, black	cwt	25 0	"
	" Socotra	"	17 0	"
	Aloe-wood	lb	7 8	"
	Anti-plague serum	...	...	Free.
	Asafœtida (hing)	cwt	80 0	Five per cent.
	" course (hingra)	"	25 0	"
	Atáry, Persian	...	*ad valorem*	"
	Bánslochan (bamboo camphor)	lb	0 5	"
	Brimstone (amalsára)	cwt	16 0	"
	Calumba root	"	8 0	"
	Camphor, refined cake	lb	2 12	"
	" partially refined, cake, in blocks of about 13 lb ...	"	2 0	"
	" in powder	...	*ad valorem*	"
	Cassia lingea	cwt	30 0	"
	China root (chobachini), rough	"	11 0	"
	" " ("), scraped	"	20 0	"
	Cocaine	...	*ad valorem*	"
	Cubebs	cwt	32 0	"
	Galangal, China	"	4 8	"
	Pellitory (akalkara)	...	*ad valorem*	"
	Peppermint crystals	...	"	"
	Quinine and other alkaloids of chinchona	...	...	Free.
	Salep	cwt	140 0	Five per cent.
	Senna leaves	"	5 0	"
	Storax, liquid (rose melloes or salaras)	"	35 0	"
	Tobacco, unmanufactured	...	...	Free.
	" manufactured excluding cigarettes	...	*ad valorem*	Five per cent.
	Cigarettes of a value not exceeding Rs. 8 per thousand ...	lb	1 8	"
	" " " exceeding Rs. 8 per thousand ...	"	5 8	"
	All other sorts of drugs, medicines, and narcotics, except opium (for which see Schedule III)	...	*ad valorem*	"
12	DYEING AND TANNING MATERIALS—			
	Alizarine dye, dry, 40 per cent.	lb	1 4¼	Five per cent.
	" " " 50 "	"	1 8½	"
	" " " 60 "	"	1 12	"
	" " " 70 "	"	2 0¼	"
	" " " 80 "	"	2 4¼	"
	" " " 100 "	"	2 12	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No	Names of Articles.	Per	Tariff Valuation.	Duty.
	Chemicals, Drugs, Medicines, and Narcotics, and Dyeing and Tanning Materials—*concld.*		Rs. A.	
12	DYEING AND TANNING MATERIALS—*concld.*			
	Alizarine dye, moist, 10 per cent.	lb	0 4½	Five per cent.
	" " " 16 "	"	0 7	"
	" " " 20 "	"	0 8	"
	Aniline " " indigo, blue	"	0 6½	"
	" " dry	"	1 0	"
	" salts	...	*ad valorem*	"
	Avar bark	cwt	4 0	"
	Buzgand (gulpista)	"	42 0	"
	Cochineal	lb	1 6	"
	Gallnuts (myrabolams)	...	*ad valorem*	"
	" Persian	cwt	46 0	"
	Madder or manjit	"	18 0	"
	Orchilla weed	"	4 0	"
	Sappan wood and root	...	*ad valorem*	"
	Turmeric	...	"	"
	All other sorts of dyeing and tanning materials	...	"	"
	Metals and Manufactures of Metals.			
13	HARDWARE AND CUTLERY, including ironmongery and plated-ware, and also including machines, tools, and implements to be worked by manual or animal labour. [*Exceptions, which are free:* (i) Water-lifts, sugar-mills, oil-presses, and parts thereof, and any other machines and parts of machines ordinarily used in processes of husbandry, or for the preparation for use or for sale of the products of husbandry, which the Governor General in Council may, by notification in the *Gazette of India*, exempt; (ii) the following agricultural implements, when constructed so that they can be worked by manual or animal power, namely, winnowers, threshers, mowing and reaping machines, elevators, seed-crushers, chaff-cutters, root-cutters, horse and bullock gears, ploughs, cultivators, scarifiers, harrows, clod-crushers, seed-drills, hay-tedders, and rakes; (iii) the following dairy appliances, when constructed so that they can be worked by manual or animal power, namely, cream separators, milk sterilizing or pasteurizing plant, milk aerating and cooling apparatus, churns, butter dryers and butter workers; (iv) the following articles used in the manufacture of cotton, namely, bobbins (warping), forks for looms, healds, heald cords, heald knitting needles, laces, lags and needles for dobbies, pickers (buffalo and others), picking bands, picking levers, picking sticks (over and under), reed pliers, reeds, shuttles (for power looms), springs for looms, strappings, and weft forks; (v) box backs and swells and rough unshaped bobbin ends, when imported by or on behalf of a manufacturer or mill-owner, and certified by him to be intended exclusively for use in his mill] ...	...	*ad valorem*	Five per cent.
14	MACHINERY, namely, prime-movers and component parts thereof; including boilers and component parts thereof; also including locomotive and portable engines, steam-rollers, fire-engines, and other machines in which the prime-mover is not separable from the operative parts ... ... " " (and component parts thereof), meaning machines or sets of machines to be worked by electric, steam, water, fire or other power not being manual or animal labour or which before being brought into use require to be fixed with reference to other moving parts; and including belting of all materials for driving machinery	...	...	Free.
	Provided that the term does not include tools and implements to be worked by manual or animal labour, and provided also that only such articles shall be admitted as component parts of machinery as are indispensable for the working of the machinery and are, owing to their shape or to other special quality, not adapted for any other purpose.			
	Note.—Machinery and component parts thereof made of substances other than metal are included in this entry.			

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Metals and Manufactures of Metals—*contd.*		Rs. A.	
15	METALS, unwrought, and wrought, and articles made of metals—			
	Brass, orsidue and leaves, European	...	*ad valorem*	Five per cent.
	" " " China	...	"	"
	" patent or yellow metal, sheathing, sheets, braziers, and plates	cwt	58 0	"
	" patent or yellow metal (old	"	40 0	"
	" sheets, flat or in rolls, very thin	"	175 0	"
	" wire	...	*ad valorem*	"
	" all other sorts	...	"	"
	Copper, bolt and bar, rolled	...	"	"
	" braziers, sheets, plates and sheathing	cwt	70 0	"
	" nails and composition nails	...	*ad valorem*	"
	" old	cwt	55 0	"
	" pigs, tiles, ingots, cakes, bricks, and slabs	"	65 0	"
	" China, white, copperware	lb	1 8	"
	" foil or dankpana, white, 10 to 11 in. × 4 to 5 in ...	hundred leaves	2 2	"
	" " " coloured, 10 to 11 in. × 4 to 5 in. ...	"	2 4	"
	" wire, including phosphor-bronze	...	*ad valorem*	"
	" all other sorts, unmanufactured and manufactured, except current coin of the Government of India, which is free	...	"	"
	German silver	...	"	"
	Gold bullion and coin	...	...	Free.
	" leaf	...	*ad valorem*	Five per cent.
	Iron, anchors and cables	...	"	One per cent.
	" Lowmoor and similar qualities, all descriptions ...	...	"	"
	" angle, T, other than Lowmoor or Swedish	ton	110 0	"
	" " T, other than Lowmoor or Swedish, if galvanised, tinned, or lead-coated	...	*ad valorem*	"
	" bar	...	"	"
	" " Swedish and similar qualities	ton	165 0	"
	" " " " " nail-rod, round-rod, and square, under half an inch in diameter ...	"	180 0	"
	" " other kinds	"	110 0	"
	" " " " nail-rod, round-rod, and square, under half an inch in diameter	"	117 0	"
	" " " " if galvanised, tinned, or lead-coated ...	...	*ad valorem*	"
	" beams, joists, pillars, girders, bridge-work, and other such descriptions of iron, imported exclusively for building purposes	...	"	"
	" channel, including channel for carriages	...	"	"
	" plate and sheet, Swedish and charcoal	...	"	"
	" bars, plates, and sheets, Swedish and charcoal, if galvanised, tinned, or lead-coated	...	"	"
	" plate, other kinds, above ⅛ inch thick, and strips ...	ton	117 0	"
	" sheets, " " up to " "	"	125 0	"
	" sheets (other than corrugated), plates, or strips other kinds, if galvanised, tinned, lead-coated, or planished ...	...	*ad valorem*	"
	" sheets, corrugated, galvanised, or black	ton	210 0	"
	" hoop	"	130 0	"
	" nails, rose, wire, and flat-headed	cwt	9 8	"
	" " other kinds, including galvanised, tinned, or lead-coated	...	*ad valorem*	"
	" nuts and bolts, also hooks and nuts for roofing, galvanised or black	...	"	"
	" old	...	"	"
	" pig	cwt	2 0	"
	" pipes and tubes, including fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like ...	...	*ad valorem*	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
			Rs. A.	
	Metals and Manufactures of Metals—*contd.*			
15	METALS, unwrought and wrought, and articles made of metals—*contd.*			
	Iron, rails, chairs, sleepers, and fishplates, other than those described in No. 6c, also spikes (commonly known as dog spikes), switches, crossings, lever-boxes, clips, and tie-bars	...	*ad valorem*	One per cent.
	„ rice-bowls	...	„	„
	„ ridging, guttering, and continuous roofing	...	„	„
	„ rivets and washers, all sorts	...	„	„
	„ wire, including fencing wire and wire rope, but excluding wire-netting	...	„	„
	„ cans, tinned, when imported containing petroleum, which is separately assessed to duty at one anna per Imperial gallon under No. 16	can	0 3	Five per cent.
	„ all other sorts, including discs or circles and wire-netting	...	*ad valorem*	„
	Lametta	...	„	„
	Lead, all sorts (except sheets for tea-chests, which are free) ...	...	„	„
	Quicksilver	lb	1 8	„
	Shot, bird	cwt	20 0	„
	Silver bullion or coin, except current coin of the Government of India, which is free	...	*ad valorem*	„
	Steel, anchors and cables	...	„	One per cent.
	„ blooms	...	„	„
	„ angle, T	ton	110 0	„
	„ „ „ and hoop, if galvanised, tinned, or lead-coated	...	*ad valorem*	„
	„ bars (other than cast steel)	ton	110 0	„
	„ „ Swedish	...	*ad valorem*	„
	„ „ nail-rod, round-rod, and square, under ½ inch in diameter	ton	117 0	„
	„ bar, galvanised, tinned, lead-coated, planished or polished	...	*ad valorem*	„
	„ channel, including channel for carriages	...	„	„
	„ plates above ⅛ inch thick, and strips	ton	117 0	„
	„ sheets up to ⅛ „ „	„	125 0	„
	„ sheets (other than corrugated) plates, or strips, if galvanised, tinned, lead-coated, or planished	...	*ad valorem*	„
	„ sheets, corrugated, galvanised or black	ton	2'0 0	„
	„ hoop	„	1'0 0	„
	„ nails	...	*ad valorem*	„
	„ nuts and bolts, also hooks and nuts for roofing, galvanised or black	...	„	„
	„ old	ton	130 0	„
	„ beams, joists, pillars, girders, bridge work, and other such descriptions of steel, imported exclusively for building purposes	...	*ad valorem*	„
	„ cast and blistered, including spring and tub steel ...	...	„	„
	„ ridging, guttering, and continuous roofing	...	„	„
	„ pipes and tubes, including fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like	...	„	„
	„ rails, chairs, sleepers, and fishplates, other than those described in No. 6c, also spikes (commonly known as dog spikes), switches, crossings, lever-boxes, clips, and tie-bars	...	„	„
	„ rivets and washers, all sorts	...	„	„
	„ wire, including fencing wire and wire-rope, but excluding wire-netting	...	„	„

SCHEDULE IV—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of articles.	Per	Tariff Valuation.	Duty.
			Rs. A.	
	Metals and Manufactures of Metals—*concld.*			
15	METALS, unwrought and wrought, and articles made of metals—*concld.*			
	Steel, cans, tinned, when imported containing petroleum, which is separately assessed to duty at one anna per Imperial gallon under No. 16	can	0 3	One per cent.
	" all other sorts, including discs or circles and wire-netting	...	*ad valorem*	"
	Tin, block	cwt.	145 0	"
	" foil, and other sorts	...	*ad valorem*	"
	Zinc or spelter, nails	...	"	"
	" " tiles or slabs, soft	cwt.	23 0	"
	" " " " hard	"	19 0	"
	" " all other sorts, including boiler tiles ...	...	*ad valorem*	"
	All other sorts of metals	...	"	"
	Oils.			
16	PETROLEUM, including also naphtha and the liquids commonly known by the names of rock-oil, Rangoon oil, Burma oil, kerosine, paraffin oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum ...	Imperial gallon	...	One anna.
	" which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs Collector to be intended for use exclusively for the batching of jute or other fibre, or for lubricating purposes ...	...	*ad valorem*	Five per cent.
	" which has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs Collector to be intended for use exclusively as fuel or for some sanitary or hygienic purpose ...	...	*ad valorem*	Five per cent.
	Cocoanut-oil	cwt.	27 0	"
	All other sorts of oil, animal or vegetable (including otto of all kinds), and mineral, including paraffin wax	...	*ad valorem*	"
	Other articles, unmanufactured, and manufactured.			
17	APPAREL, including drapery, haberdashery, and millinery, and military and other uniforms and accoutrements; but excluding cotton-hosiery (for which see No. 30) and boots and shoes (for which see No. 45) and excluding also uniforms, and accoutrements appertaining thereto, imported by a public servant for his personal use, which are free		"	"
18	ART, WORKS OF, except (1) statuary and pictures intended to be put up for the public benefit in a public place, and (2) memorials of a public character intended to be put up in a public place, including the materials used, or to be used, in their construction, whether worked or not, which are free ...	...	"	"
19	BAMBOOS, common, grass, hay, rushes, straw, and leaves ...	...	...	Free.
20	BOOKS, printed, including covers for printed books, maps, charts and plans, proofs, music, and manuscripts	...	...	"
21	BRISTLES AND FIBRE, for brushes and brooms	...	...	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other articles, unmanufactured, and manufactured—*contd.*		Rs. A.	
22	BRUSHES AND BROOMS, all sorts	...	*ad valorem*	Five per cent.
23	BUILDING AND ENGINEERING MATERIALS, namely, asphalt, bricks and tiles, cement of all kinds, fire-clay, earthenware piping, lime, and other kinds not otherwise described	...	"	"
24	CABINET-WARE AND FURNITURE	...	"	"
25	CARRIAGES AND CARTS, including motor cars, bicycles, tricycles, jinrikshaws, bath chairs, perambulators, trucks, wheelborrows, and all other sorts of conveyances, and component parts thereof, but excluding motor cars, designed to carry goods and containing a prime-mover, which are free	...	"	"
26	CHINESE AND JAPANESE WARE, including lacquered-ware, but excluding earthenware, china, and porcelain (for which see No. 32)	...	"	"
27	CLOCKS, WATCHES, and other time-keepers, and parts thereof ...	...	"	"
28	COAL, COKE, AND PATENT FUEL	...	...	Free
29	CORDAGE, Rope and Twine made of any vegetable fibre ...	...	*ad valorem*	Five per cent.
30	COTTON, AND ARTICLES MADE OF COTTON—			
	Cotton, raw	...	...	Free
	" twist and yarn	...	...	"
	" sewing and darning thread	...	...	"
	" piece-goods, hosiery, crochet cotton thread and all other manufactured cotton goods not otherwise described	...	*ad valorem*	Three and one-half per cent.
31	EARTH, COMMON CLAY, AND SAND	...	...	Free.
32	EARTHENWARE (except earthenware piping, for which see No. 23) china, china clay, porcelain, and imitation or false coral ...	...	*ad valorem*	Five per cent.
33	FANS OF ALL KINDS, except common palm-leaf fans, which are free	...	"	"
34	FIREWOODS, all sorts, including fulminating-powder ...	...	"	"
35	FLAX, AND ARTICLES MADE OF FLAX, including linen-thread ...	...	"	"
36	FURNITURE, TACKLE, AND APPAREL, not otherwise described, for steam, sailing, rowing, and other vessels	...	"	"
37	GUMS, GUM-RESINS, and articles made of gum or gum-resin—			
	Copal	...	*ad valorem*	Five per cent.
	Cutch and gambier	cwt	18 0	"
	Gamboge	lb	2 2	"
	Gum Ammoniac	cwt	24 0	"
	" Arabic	"	16 0	"
	" Bdellium	...	*ad valorem*	"
	" Benjamin, ras	cwt	24 0	"
	" " Cowrie	"	20 0	"
	" Bysabol (coarse myrrh)	"	25 0	"
	" Olibanum or frakincense	...	...	Free.
	" Persian (false)	cwt	10 0	Five per cent.
	Myrrh	"	54 0	"
	Rosin	"	9 0	"
	All other sorts of gums, gum-resins, and articles made of gum or gum-resin, including caoutchouc and gutta-percha ...	...	*ad valorem*	"

SCHEDULE IV—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
			Rs. A.	
	Other articles, unmanufactured and manufacture —*contd.*			
38	HEMP, including Manila hemp, and articles made therefrom ...	...	*ad valorem*	Five per cent.
39	HIDES AND SKINS (except raw or salted hides and skins, which are free), including parchment and vellum, gold-beaters' skins, and all other descriptions of hides or skins	...	"	"
40	HORN	...	...	Free.
	" articles made of, not otherwise described	...	*ad valorem*	Five per cent.
41	INSTRUMENTS, APPARATUS, AND APPLIANCES, and parts thereof—Computing, Dental, Distilling, Diving, Drawing, Educational, Electric, Electric lighting, Galvanic, Measuring, Musical, Optical, Philosophical, Phonographic, Photographic (including materials for Photography), Scientific, Surgical, Surveying, Telegraphic, Telephonic, Typewriters, and all other sorts, except Telegraphic instruments and apparatus, and parts thereof, when imported by or under the orders of a railway company, and any instruments, apparatus, and appliances when imported by a passenger as part of his personal baggage and in actual use by him in the exercise of his profession or calling, which are free. Military band instruments (other than stringed instruments), imported by a regiment of His Majesty's regular forces serving in India, and certified by the officer commanding the regiment to be for the *bonâ fide* exclusive use of the regimental band, and the following accessories thereto, are also free of duty :— Silver buckles for drums. Silver buttons for drums. Green broadcloth for drums Green silk ribbon for drums Ropes for drums Bags for bagpipes Cord for bagpipes Drones for bagpipes Ribbons for bagpipes Pipe tassels for bagpipes Cardholders. Carriages (brown or black). Crooks. Cases (leather or wooden). Fingertops. Mouthpieces and caps therefor Reeds Springs Snares Valve tops and needle	...	"	
42	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders			
	" tusks (other than hollows, centres, and points), each exceeding 20lb in weight, and hollows, centres, and points, each weighing 10lb and over	cwt	350 0	"
	Elephants' tusks (other than hollows, centres, and points) not less than 10lb and not exceeding 20lb each, and hollows, centres, and points each weighing less than 10lb ...	"	800 0	"
	Elephants tusks, each less than 10lb (other than hollows, centres, and points)	"	680 0	"
	Sea-cow or moye teeth, each not less than 4lb	"	525 0	"
	" " " " 3lb and under 4lb ...	"	200 0	"
	" " " less than 3lb ...	"	185 0	"
	All other sorts, manufactured and unmanufactured ...	"	135 0	"
		...	*ad valorem*	"
43	JEWELLERY AND JEWELS, including plate and other manufactures of gold and silver—			
	Silver-ware, plain ... ... } other than European {	tola	1 2	"
	" embossed or chased... } other than European {	"	1 6	"
	All other sorts, except precious stones and pearls, unset, which are free	...	*ad valorem*	"
44	JUTE, raw	...	...	Free.
	" articles made of, except second-hand or used gunny bags, which are free	...	*ad valorem*	Five per cent.

SCHEDULE IV—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
			Rs. A.	
	Other Articles, unmanufactured and manufactured—*contd.*			
45	LEATHER, and articles made of leather, including boots and shoes, harness and saddlery, except saddlery of a military pattern imported by an officer of His Majesty's regular force and forming part of the equipment with which he is required to supply himself under Army Regulations, which is free ...	...	*ad valorem*	Five per cent.
46	MALT	...	"	"
47	MANURES of all kinds, including animal bones	...	...	Free.
48	OILCAKE, also bran, fodder and cattle-food of all kinds ...	...	...	"
49	OIL-CLOTH AND FLOOR-CLOTH, including lincrusta, linoleum, and tarpaulins	...	*ad valorem*	Five per cent.
50	PAINTS, COLOURS, PAINTERS' MATERIALS, and compositions for application to leather, wood, and metals—			
	Lead, red, dry	cwt	18 0	"
	" white, dry	"	19 0	"
	Ochre, other than European, all colours	"	2 12	"
	Paints, composition	...	*ad valorem*	"
	" patent driers	...	"	"
	Turpentine	Imperial gallon	3 12	"
	Verdigris	...	*ad valorem*	"
	Vermilion, Canton	box of 90 bundles	105 0	"
	Zinc, white, dry	...	*ad valorem*	"
	All other sorts, including glue and putty	...	"	"
51	PAPER, PASTEBOARD, MILLBOARD, AND CARDBOARD of all kinds, including ruled or printed forms and account and manuscript books, labels, advertising circulars, sheet or card almanacs, and calendars, Christmas, Easter, and other cards, including cards in booklet form, including also waste paper and old newspapers for packing, but excluding trade catalogues and advertising circulars imported by packet, book or parcel post, which are free	...	"	"
	" articles made of paper and papier-mâché	...	"	"
52	PERFUMERY—			
	Gowla, husked and unhusked	cwt	40 0	"
	Kapurkachri (zedoary)	"	19 0	"
	Patch leaves (patchouli)	"	17 0	"
	Rose-flowers, dried	"	20 0	"
	Rose-water	Imperial gallon	2 0	"
	All other sorts, except perfumed spirit (for which see Schedule III)	...	*ad valorem*	"
53	PITCH, TAR, AND DAMMER—			
	Bitumen	...	"	"
	Dammer	...	"	"
	Pitch, American and European	...	"	"
	" coal	...	"	"
	Tar, American and European	...	"	"
	" coal	...	"	"
	" mineral	...	"	"
54	PLANTS AND BULBS, living, also dried for herbaria	...	...	Free.
55	PRECIOUS STONES AND PEARLS, unset (including the stones generically known as Cambay stones, such as agates, cornelians, and onyx)	...	...	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—*contd.*		Rs. A.	
56	PULP of wood, straw, rags, paper, and other materials ...	...	...	Free.
57	PRINTING AND LITHOGRAPHING MATERIAL, namely, presses, type, ink, brass rules, composing sticks, chases, imposing tables, and lithographic stones, stereo-blocks, roller moulds, roller frames and stocks, roller composition, standing screw and hot presses, perforating machines, gold-blocking presses, stereo-typing apparatus, metal furniture, paper-folding machines and paging and numbering machines, but not including paper	...	...	"
58	RAGS	...	...	"
59	RACKS for the withering of tea leaf	...	...	"
60	RAILWAY MATERIAL for permanent-way and rolling-stock, namely, cylinders, girders, and other material for bridges, rails, sleepers, bearing and fish-plates, fish-bolts, chairs, spikes, crossings, sleeper fastenings, switches, interlocking apparatus, brake gear, couplings and springs, signals, turn-tables, weigh-bridges, engines, tenders, carriages, wagons, traversers, trollies, trucks, and component parts thereof; also the following articles when imported by or under the orders of a railway company, namely, cranes, water cranes, water tanks, and standards, wire and other materials for fencing : Provided that for the purpose of this exemption "railway" means a line of railway subject to the provisions of the Indian Railways Act, 1890, and includes a railway constructed in a Native State, under the suzerainty of His Majesty, and also such tramways as the Governor General in Council may, by notification in the *Gazette of India*, specifically include therein ...	...	...	"
61	SEEDS—			
	Castor	cwt.	7 4	Five per cent.
	Cummin	"	15 0	"
	" black	...	*ad valorem*	"
	Linseed	cwt.	7 4	"
	Methi	"	5 8	"
	Mustard, rape, or sarson	"	10 0	"
	Poppy	"	9 0	"
	Quince, bihidana	"	90 0	"
	Til or jinjili	"	10 0	"
	All other sorts	...	*ad valorem*	"
62	SHELLS AND COWRIES—			
	Chanks—large shells, for cameos	...	"	"
	" white, live	...	"	"
	" " dead	...	"	"
	Cowras	...	"	"
	Cowries, bazar, common	cwt.	3 12	"
	" yellow, superior quality...	"	5 0	"
	" Maldive	"	5 8	"
	" sankhla	"	55 0	"
	Mother-of-pearl, nacre	...	...	Free.
	Nakhla	cwt.	100 0	Five per cent.
	Tortoise-shell	lb	12 0	"
	" nakh	"	5 0	"
	All other sorts, including articles made of shell, not otherwise described	...	*ad valorem*	"
63	SHIPS AND OTHER VESSELS for inland and harbour navigation, including steamers, launches, boats, and barges, imported entire or in sections	...	...	Free.

SCHEDULE IV—(IMPORT TARIFF)—*concld.*

GENERAL DUTIES—*concld.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—*concld.*		Rs. A.	
64	SILK AND ARTICLES MADE OF SILK—			
	Bokhara	lb	9 0	Five per cent.
	Floss	...	*ad valorem*	"
	Piece-goods	...	"	"
	Sewing thread, China	...	"	"
	Raw silk—Chaharam, Cochin-China, and yellow Shanghai ...	lb	5 8	"
	Mathow	"	3 4	"
	Other kinds of China including re-reeled silk ...	"	8 0	"
	Waste and Kachra	...	*ad valorem*	"
	Panjam	lb	2 6	"
	Persian	"	5 0	"
	Siam	"	2 6	"
	All other sorts, including cocoons	...	*ad valorem*	"
65	SOAP	...	*ad valorem*	"
66	SPECIMENS ILLUSTRATIVE OF NATURAL SCIENCE, including also antique coins and medals	...	...	Free.
67	STATIONERY, excluding paper (for which see No. 51) ...	...	*ad valorem*	Five per cent.
68	STONE AND MARBLE, and articles made of stone and marble ...	...	"	"
69	TALLOW AND GREASE, including stearine	...	"	"
70	TEA CHESTS of metal or wood, whether imported entire or in sections, provided that the Customs Collector is satisfied that they are imported for the purpose of the packing of tea for transport in bulk	...	...	Free.
71	TEXTILE FABRICS not otherwise described	...	*ad valorem*	Five per cent.
72	TOILET REQUISITES not otherwise described	...	"	"
73	TOYS, including toy-books, and requisites for all games ...	...	"	"
74	UMBRELLAS, parasols, and sun-shades of all kinds	...	"	"
75	WALKING STICKS and sticks for umbrellas, parasols, and sun-shades, of all kinds, mounted and unmounted, driving, riding, and other whips, fishing rods and lines	...	"	"
76	WOOD AND TIMBER (except fire-wood, which is free), and articles made of wood not otherwise described	...	"	"
77	WOOL, raw	...	...	Free.
	" articles made of, including felt	...	*ad valorem*	Five per cent.
78	ALL OTHER ARTICLES, manufactured or unmanufactured, not described in this Schedule	...	"	"

W. L. HARVEY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED DECEMBER 21, 1907.

Circular No. $\frac{41}{131\text{-}8}$ F.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

FORESTS.

Calcutta, the 10th December 1907.

REGULATIONS FOR THE APPOINTMENTS OF PROBATIONERS TO THE INDIAN FOREST SERVICE, 1908.

(Note.—The Regulations for 1909 will be the subject of separate consideration by the Secretary of State in Council. An announcement will be made concerning them in due course.)

1. *Appointments.*—The Secretary of State for India in Council will, in the summer of 1908, make *not less than sixteen appointments* of Probationers for the Indian Forest Service, provided that so many candidates are considered to be in all respects qualified.

In making these appointments, he will act with the advice of a Selection Committee.

2. *Applications for appointment.*—Applications for appointment must be made on a printed form to be obtained from the Secretary, Judicial and Public Department, India Office, Whitehall, London, S. W., and to be returned to him not later than *Wednesday, the 1st July* 1908.

3. *Age Limits.*—Candidates must have attained the age of 18 years on the 1st July 1908, and not have attained the age of 22 years on the 1st January 1908.

4. *Nationality, etc.*—Every candidate must be a natural-born British subject. He must be unmarried, and if he marries before he reaches India he will forfeit his appointment.

5. *General Qualifications.*—Candidates must bring evidence, for consideration by the Selection Committee, to show that they have received a good general education.

Note.—This should be understood to include, at the least, a fair knowledge of English Composition, Mathematics—up to and including Plane Trigonometry,—Latin, and either German or French. A knowledge of Greek is not necessary, but is left to the option of the candidates.

The production of School Certificates granted by the examining authorities of Universities, or of certificates that a candidate has passed the Matriculation Examination of a University, in the subjects named, or of other certificates held by the Secretary of State in Council to be equivalent, will be taken to show that a candidate satisfies the requirements of this clause.

6. *Special Qualifications Desirable.*—It is also desirable that candidates should possess a knowledge of Chemistry, and also of Mechanics and Physics, as indicated in the appended Syllabus.

If any candidate be selected for appointment who does not possess a knowledge of Inorganic Chemistry, he will be required to pass in it before the beginning of the Oxford Hilary Term, 1909, which commences on the 19th January of that year.

7. *Medical Examination.*—Those candidates who are selected as Probationers will be required to undergo a strict examination by a Medical Board at the India Office, at which particular stress will be laid on good vision and hearing.

On passing this medical examination candidates will be deemed to be Probationers for the Indian Forest Service.

8. *Period of Probation.*—The period of probation will ordinarily extend over about three years. For the first two years the Probationers will be required to undergo a special course of study at Oxford and to become members of the University if not so already. During the third year of their probation they will receive practical instruction, visiting under suitable supervision such Continental forests as may be selected for the purpose. Excursions may also be made for purposes of study during the first two years, both in term-time and in the vacations.

9. *Shortened Probation in certain cases.*—In the case of any Probationer who has passed with Honours in a public examination in Natural Science held by a University in Great British or Ireland, the Secretary of State in Council reserves power, should he think fit, to sanction the reduction of the period of Probation to two years instead of three, under such conditions as may be determined.

10. *Charges.*—The Probationers will be required to defray all expenses for lodging, board, tuition, and excursions within the limits of the United Kingdom which they may incur during the period of their probation at Oxford. To meet the cost of practical instruction on the Continent, each Probationer will be required to pay the sum of £180, in such instalments as may be determined from time to time.

Note.—Ordinarily a sum of £20 will be due on the 15th June of the first year, and the balance in three instalments during the third year. In the case of Probationers whose term of study has been reduced (*see* paragraph 9), the payments must be made during the two years, as may be required.

11. *Course of Study.*—The prescribed course of study for the Probationers comprises the following subjects :—

I.—*Subjects auxiliary to Forestry.*

(1) Chemistry of soils and Elementary Organic Chemistry.

(2) Geology.

(3) Elements of Zoology and Forest Entomology.

(4) Botany.

(5) Geometrical Drawing and Elementary Engineering.

(6) Surveying.

(7) Book-keeping in reference to Indian Forest Accounts.

(8) German or French, as required.

II.—*Forestry, Theoretical and Practical, in all its Branches*

12. *Conduct and Medical Requirements.*—Every Probationer will be required to conduct himself during the period of probation in a manner satisfactory to the Secretary of State, and to give evidence of satisfactory progess in his studies in such manner as may be required, failing which, or in the event of serious misconduct, he will be liable to have his name removed from the list of Probationers.

A Probationer may also, at the discretion of the Secretary of State, be required from time to time to appear before the Medical Board, and, should the result be unsatisfactory, he will be liable to have his name removed from the list of Probationers.

13. *Diploma of Forestry, etc.*—During the period of probation, the proficiency of the Probationers will be tested by periodical examinations.

The Probationers who satisfy the Examiners in all these examinations, and complete satisfactorily the practical course in Forestry on the Continent, will receive the Diploma of Forestry of the University of Oxford. It is desirable that they should, if possible, also obtain a degree in the Honour School of Natural Science at the University.

14. *Appointment and Seniority.*—Probationers who obtained the Diploma of Forestry, and are of sound constitution and free from physical defects which would render them unsuitable for employment in the Indian Forest Service, will be appointed Assistant Conservators in the Indian Forest Department. Their position in the Provincial Forest

Lists will be determined by the results of the examinations held during their two years' residence as Probationers at Oxford and the manner in which they have completed the practical course on the Continent; but in making selections for the post of Conservator, officers of the same year are reckoned as equal in seniority. Probationers whose term of study has been reduced (*see* paragraph 9) will rank immediately below the successful Probationers of the previous year.

They will be allowed at the end of period of probation to state their preference in respect to the provinces to which they desired to be allotted: but the distribution will be made to the several provinces according to the needs of the public service, at the discretion of the Secretary of State for India. Officers are, however, at all times liable to be transferred from one province to another at the pleasure of the Government of India.

15. *Riding.*—Every Probationer, before proceeding to India, will be required to satisfy the Secretary of State, in such manner as may be determined, of his ability to ride. It is desirable that this evidence should be forthcoming before the Probationer proceeds to the Continent for his final period of study.

16. *Articles of Agreement, etc.*—Within a month of his nomination as Assistant Conservator, each nominee must sign articles of agreement describing the terms and conditions of his appointment; he must embark for India when required to do so by the Secretary of State, and must engage his own passage. Failure to embark at the stated time will, in the absence of satisfactory explanation, lead to forfeiture of appointment.

17. *Allowance.*—An allowance will be granted to each Probationer on signature of his agreement, varying from 50*l.* to 100*l.*, according to the degree of proficiency and diligence shown by him during his practical course upon the Continent.

18. *Salary.*—An Assistant Conservator of Forests will draw pay at the rate of R380 a month (equivalent to 304*l.* a year, when the rupee is at 1*s.* 4*d.*) from the date of his reporting his arrival in India.

19. *Promotion, Leave, Pension, and Provident Fund.*—Promotion, leave and pension will be governed by the Regulations laid down by the Government of India, and made applicable to Forest officers, such regulations being subject to any modifications or alterations which may be made in them from time to time by the Government of India, and their interpretation in case of any doubt arising being left to that Government. A copy of the existing regulation can be seen on application at the India Office.

Certain information regarding appointments in the upper controlling staff of the Indian Forest Service, the pay of which has been recently improved, will be found in Appendix II; a summary of information regarding Leave is contained in Appendix III, regarding Pensions and Provident Fund in Appendix IV.

APPENDIX I *(referred to in paragraph 6).*

SYLLABUS OF SPECIAL SUBJECTS.

I.—CHEMISTRY.

The simpler chemical and physical properties of common substances, such as lime, salt, sugar, water, air.

The preparation (excluding details of technical processes) and properties of the following substances:—

The metals, tin, lead, iron, copper, zinc, magnesium, calcium, potassium, sodium; their simpler and more important compounds, especially such as occur naturally, and such compounds and alloys as are used in the Arts.

Hydrogen, oxygen, water, ozone, hydrogen-peroxide.

Nitrogen, ammonia, ammonium salts, nitrous oxide, nitric oxide, nitrogen-peroxide, nitrates.

Carbon, carbon dioxide, carbonates, carbon monoxide.

Chlorine, bromine, iodine, chlorides, bromides, iodides, chlorate, hypochlorites.

Sulphur, sulphuretted hydrogen, sulphides, sulphur dioxide, sulphur trioxide sulphites, sulphates.

Phosphorus, phosphoretted hydrogen, phosphorus trioxide, phosphorus pentoxide, orthophosphates, phosphorus trichloride, phosphorous pentachloride.

Silica.

The principles of chemical change; oxidation and reduction; combustion; flame. Allotropy. Methods of purifying bodies. Methods of determining the composition of air and of water. Laws of chemical combination. Diffusion of gases. The atomic and molecular hypotheses. The simpler methods of determining equivalents. General considerations used in determining molecular weights and atomic weights. Chemical notation.

Alcohol ethane, and the simpler ethylic compounds considered in detail as typical bodies. Methylic alcohol and methane, and benzylic alcohol and toluene, considered briefly as analogues of alcohol and ethane. Characters of primary normal alcohols in general, and of their corresponding hydrocarbons.

Acetic acid, aldehyd and the simpler acetic compounds, considered in detail as typical bodies. Benzoic acid and benz-aldehyd, and formic acid and form aldehyd, considered briefly as analogues of acetic acid and aldehyd. Characters of normal mon-acids in general and of their corresponding aldehyds.

Oxalic acid and the simpler oxalic compounds. Characters of normal di-acids in general.

Processes (i) for the detection of carbon, hydrogen, nitrogen, sulphur in organic compounds; (ii) for the estimation of carbon, hydrogen, nitrogen in organic compounds; (iii) for the production and analysis of the silver-salts of organic acids and the platinum-salts of organic bases; (iv) for the determination of vapour densities by the V. Meyer method.

The determination of the formula of an organic compound.

PRACTICAL WORK.

The Practical Work should include:—

Simple experiments and preparations illustrating the properties of the inorganic substances named above.

Simple quantitative experiments, such as, the determination of the loss of weight on heating a body the determination of the volume of gas evolved on the solution of zinc in acid. The volumetric estimation of acids and alkalies.

The qualitative analysis of simple salts containing not more than one of the following metals, and one of the following acid radicals:—Sodium, potassium, ammonium, calcium, magnesium, zinc, copper, iron, lead, tin, oxide, carbonate, chloride, sulphate, nitrate, sulphide.

II.—MECHANICS AND PHYSICS.

Mechanics.

The principles of the lever, the inclined plane, the composition of forces, and virtual work, their experimental investigation and application to machines and other simple cases of equilibrium. Centre of gravity, couple, torque, velocity ratio, mechanical advantage, efficiency. Application to liquids and gases. Density. Boyle's law. Pump, siphon, barometer, manometer. Body moving in a straight line so that its velocity changes proportionally with the time. Body moving uniformly in a circle. Motion of pendulum-bob. Momentum, force, impulse of a force, energy, conservation of energy.

Heat.

Simple thermometry. Simple methods of determining latent heats; specific heats expansion of gases, liquids and solids; vapour pressures. Change of state. Simple experiments on conduction, conviction and radiation. Mechanical equivalent of heat.

Sound.

Direct determination of the velocity of sound in air and in water; the effect of change of temperature on the velocity of sound in air; mode of propagation of sound in air. Simple methods of determining the pitch of a note. Characteristics of musical sounds.

Light.

Laws of reflection and refraction. Simple methods of determining refractive indices, and the focal lengths of mirrors and lenses. The simplest form of the compound microscope and of the astronomical telescope. Dispersion, the spectroscope, spectra of different kinds. Simple photometry. Elementary notions of the determination of the velocity of light.

Electricity and Magnetism.

Properties of electrified bodies. Methods of electrification. Electric induction. The gold leaf electroscope. Elementary quantitative notions of electrical quantity, capacity, potential, and specific inductive capacity. Condensers. Properties of magnets. Methods of magnetization. Magnetic induction. Simple methods of determining the declination and dip at a place and of comparing magnetic fields and moments. The construction of the batteries of Volta, Daniell, and Leclanche, and their theory. The secondary battery. The physical and chemical action due to a current. Simple galvanometers, ammeters and voltmeters. Measurement of current strength, electromotive force and resistance. The production of currents by elector-magnetic induction. The broad principles of the induction-coil and dynamo.

PRACTICAL WORK.

Simple experiments illustrating the principles stated above.

APPENDIX II.

LIST OF APPOINTMENTS IN THE UPPER CONTROLLING STAFF OF THE INDIAN FOREST SERVICE.

NOTE.—This list shows only the existing number of sanctioned appointments, which is liable to alteration at any time. Forty-three of the appointments shown below in the various grades of Deputy and Assistant Conservators are being gradually transferred to the provincial Forest Services, which are recruited in India. The rest of the appointments named are held by members of the Imperial Forest Service, which is recruited under these regulations.

Number according to existing sanctioned scale.	Appointment.	Salary.
		R.
1	Inspector General of Forests	2,650 a month.
2	Chief Conservators (Burma and Central Provinces).	2,150 "
*19	Conservators, in three grades	1,900 ", 1,700 ", 1,500 " respectively.
*13	Deputy Conservators	R. 380 a month, rising by annual increments of R. 40 a month to R. 700 a month, thereafter, by annual increments of R. 50 a month to R. 1,250 a month, in the twentieth year of service.
*72	Assistant Conservators	(as above)
9	Foreign Service appointments (four temporary)	(as above)
†5	Officers employed at the Forest Research Institute and College, Dehra Dun ...	(as above)

* These 227 appointments are assigned to the various provinces as follows:—Burma, 71; Madras, 39; Bombay, 31; Central Provinces, 25; Bengal, 18; United Provinces, 19; Punjab, 14; and Eastern Bengal and Assam, 10.

† These draw an allowance of R. 150 a month in addition to their salary.

Note.—Under the improved scale of salary shown above no Exchange Compensation Allowance is granted.

APPENDIX III.

(*See paragraph 19 of the Regulations.*)

LEAVE.

1. The following is a summary of the principal regulations relating to the leave admissible to officers appointed to the Indian Forest Service by the Secretary of State from the United Kingdom.

Long Leave.

2. Furlough is admissible to an aggregate amount of six years during the service. The amount "earned" is one-fourth of an officer's active service, and the amount "due" is that amount less any enjoyed.

3. Furlough without medical certificate can, if due, be generally taken after eight years' active service, and again after three years' continuous service. It is limited to two years at a time.

4. Furlough on medical certificate may be granted (*a*) to an officer who has rendered three years' continuous service, for not more than two years, but capable of extension up to three years; and (*b*) to an officer who has not rendered three years' continuous service, up to one year in any case, and up to such longer period, if any (but not exceeding two years in all), as the officer may have furlough "due" to him.

5. The allowances admissible during furlough are—

(1) During the first two years of furlough without medical certificate and during so much of furlough with medical certificate as may be "due"—half average salary, subject to certain maximum and minimum limits.

(2) After the expiration of the period for which the foregoing allowances are admissible—one quarter of average salary, subject to certain maximum and minimum limits.

Short Leave.

6. Privilege Leave is a holiday which may be granted to the extent of one-eleventh part of the time that an officer has been on duty without interruption; and it may be accumulated up to three months, earned by 33 months' service. During privilege leave, the officer retains a lien on his appointment, and receives the salary which he would have received if on duty. An interval of not less than six months must elapse between two periods of absence on privilege leave.

Privilege leave may be prefixed to furlough, special leave, or extraordinary leave without allowances. The whole period of leave thus taken in combination is known as combined leave. Combined leave may not be granted for a period of less duration than six months, nor, except on medical certificate, may it be extended beyond two years.

7. Special Leave may be granted at any time for not more than six months, with intervals of six years' services: allowances, calculated as during furlough, are given during the first six months only, whether taken in one or more instalments. This leave is included in the aggregate of six years' furlough admissible.

8. Extraordinary Leave without allowances may be granted in case of necessity, and, except in certain specified cases, only when no other kind of leave is by rule admissible. It may be granted in continuation of other leave.

9. Subsidiary Leave in India for a minimum of 10 days, usually with half average salary, is granted to an officer proceeding on or returning from leave out of India, or on retirement, to enable him to reach the port of embarkation or to rejoin his appointment. It is admissible only at the end and not at the beginning of combined leave.

10. Short Leave is also granted to enable officers to appear at examination, etc.

General Rules.

11. Leave of absence, whether on furlough or on privilege leave, can never be claimed as of right, and is given or refused at the discretion of Government.

12. After five years' continuous absence from duty, an officer is considered to be out of the employment of Government.

13. When leave allowances other than privilege leave pay are paid at the Home Treasury, or in a Colony where the standard of currency is gold, rupees are converted into sterling at the rate of exchange fixed for the time being for the adjustment of financial transactions between the Imperial and Indian Treasuries, unless any other rate has been exceptionally authorised. But for the present the rate of conversion is subject to a minimum of 1*s.* 6*d.* to the rupee. Privilege Leave pay when issued from the Home Treasury (this is only admissible when privilege leave is combined with other leave) is converted at 1*s.* 4*d.* to the rupee.

APPENDIX IV.

(*See paragraph* 19 *of the Regulations.*)

PENSIONS AND PROVIDENT FUND.

1. The following is a summary of the principal pension rules applicable to officers of the Indian Forest Service appointed by the Secretary of State from the United Kingdom.

An officer of the Indian Forest Service is eligible for a pension on voluntary retirement after completing 20 years' qualifying service or attaining the age of 55 years. If at an earlier date he is compelled to retire from the service through ill-health, not occasioned by irregular or intemperate habits, he becomes eligible for an invalid pension or a gratuity according to the length of his service.

The amount of pension or gratuity is regulated as follows:—

After a service of less than 10 years, an invalid gratuity not exceeding one month's emoluments for each completed year of service.

After a service of not less than 10 years an invalid pension not exceeding the following amounts:—

Years of Completed Service.	Maximum Limit of Pension.	
	Rs.	Rs.
10	1,000 a year or	83⅓ a month,
11	1,400 „	116⅔ „
12	1,800 „	150 „
13	2,200 „	183⅓ „
14	2,600 „	216⅔ „
15, 16, 17, 18, 19	3,000 „	250 „

After a service of not less than 20 years, a retiring pension not exceeding the following amounts:—

Years of Completed Service.	Scale of Pension. Sixtieths of Average Emoluments.	Maximum Limit of Pension.	
		Rs.	Rs.
20 to 24	30	4,000 a year or	333⅓ a month.
25 and above	30	5,000 „	416⅔ „

Officers who have shown special energy and efficiency during an effective service of three years as Inspector-General of Forests or Conservator (First Grade) may, at the discretion of the Government of India, be allowed an additional pension of Rs. 1,000 a year.

Subject to certain prescribed conditions, rupee pensions are now issued to pensioners residing in countries where the Indian rupee is not legal tender at the rate of exchange of *1s. 9d.* the rupee.

2. A Provident Fund has also been established on the following basis:—

(*a*) The contribution is compulsory up to 5 per cent. on salaries, with voluntary contributions of a further 5 per cent.; while on leave, an officer may subscribe any sum he pleases, subject to a minimum of 5 per cent. on his leave allowances and a maximum of 10 per cent. on his salary.

(*b*) Compound interest on such payments is annually credited by Government to each officer subscribing, the rate being at present 4 per cent. per annum.

(*c*) Receipts and payments are made in rupees only.

(*d*) The sum which will thus accumulate to the credit of an officer to be his absolute property, to be handed over to him unconditionally on quitting the service; or, in the event of his death before retirement, to his legal representatives.

FORM TO BE FILLED UP BY CANDIDATES FOR APPOINTMENT AS PROBATIONER, 1908.

No person will be considered as a candidate from whom the Secretary, Judicial and Public Department, India Office, Whitehall, London, S. W., shall not have received, on or before Wednesday, the 1st July 1908 *at latest, an application on this form.*

If candidates who fill up and return the Application Form do not receive an acknowledgment of it within four complete days, they should communicate with the Secretary, Judicial and Public Department.

INDIA OFFICE,

25th September 1907.

1	Name in full.
2	Address. (*Any alteration to be notified to the Secretary, Judicial and Public Department, India Office, Whitehall, London, S. W.*)
3	Date of Birth. (*Copy of Birth Certificate to be appended, or other satisfactory evidence as to date of birth to be supplied.*)

4 Profession or occupation, and nationality of father.

5 The names of any near relatives who have been, or are now, in the service of the Indian Government, and the appointments at present, or immediately before retirement or decease, held by them.

6 All Institutions where educated, since the age of 15, with dates, distinguishing whether or not the candidate was in residence at such Institutions.

From *to*

at

From *to*

at

From *to*

at

From *to*

at

7 Evidence that the candidate has received a good general education, as described in Clause 5 of the Regulations. (*Certificates of any examination or examinations passed should be appended*).

8 Information whether the candidate possesses a knowledge of (1) Mechanics and Physics, and (2) Chemistry, as outlined in Appendix I. (*Any certificates to be appended.*)

9 Whether married or single.

10	Names and Addresses of persons (not more than three, of whom at least one should be connected with the Institution at which the candidate has last studied) who can testify as to conduct and character during the last four years. (*Satisfactory testimonials as to these points to be appended.*)
11	Whether the candidate has in any previous year applied for an appointment under the Government of India.

Signature ____________________

Date ______________ 1908.

Bengal.
United Provinces.
Punjab.
Burma.
Eastern Bengal and Assam.
Central Provinces.
Coorg.
Ajmer.
Andamans.
Baluchistan.
North-West Frontier Province.

ORDERED, that a copy of the foregoing Regulations be forwarded, for information, to the Local Governments and Administrations noted on the margin, the Inspector-General of Forests and the Comptroller, India Treasuries. Also that the Regulations be published in the *Supplement to the Gazette of India.*

R. W. CARLYLE,

Secretary to the Government of India.

No. 10724-10740—246.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

GEOLOGY AND MINERALS.

DISTINGUISHING BY SOME MARK OF ROYAL FAVOUR THE HEROIC ACTS PERFORMED BY MINERS AND QUARRYMEN.

RESOLUTION.

Dated Calcutta, the 18th December 1907.

THE following Royal Warrant is published for general information :—

WHITEHALL, *October* 17, 1907.

The King has been pleased to issue a Warrant under His Majesty's Royal Sign Manual to the following effect :—

Edward, R. & I.

Edward the Seventh, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India, to all to whom these Presents shall come, Greeting!

Whereas We are desirous of distinguishing by some mark of Our Royal Favour the many heroic acts performed by Miners and Quarrymen and others who endanger their own lives in saving or endeavouring to save the lives of others from perils in Mines and Quarries within Our Dominions and in territories under Our Protection or Jurisdiction, We do by these presents for Us, Our Heirs, and Successors institute and create a new Medal to be awarded for such acts of gallantry.

Firstly.—It is ordained that the Medal shall be of two classes which shall be designated and styled "The Edward Medal of the First Class" and "The Edward Medal of the Second Class."

Secondly.—It is ordained that the Edward Medal of the First Class shall consist of a Circular Medal of Silver with Our Effigy on the obverse, and on the reverse a design representing the rescue of a miner with the inscription "for courage."

Thirdly.—It is ordained that the Edward Medal of the Second Class shall consist of a Circular Medal of Bronze of a similar design.

Fourthly.—It is ordained that the Medals shall only be awarded to those of Our Faithful Subjects and others who, in saving or endeavouring to save the lives of others from perils in Mines and Quarries within Our Dominions and in territories under Our protection or Jurisdiction, have endangered their own lives, and that such award shall be made only on a recommendation to Us by Our Principal Secretary of State for the Home Department.

Fifthly.—It is ordained that the names of those upon whom We may be pleased to confer either of these Decorations shall be published in the *London Gazette*, and that a Register thereof shall be kept in the Office of Our Principal Secretary of State for the Home Department.

Sixthly.—It is ordained that each Medal shall be suspended from the left breast and the riband, of an inch and three-eighths in width, shall be dark blue with a narrow yellow stripe on either side: Provided that when the Medal is awarded to a woman it shall be worn on the left shoulder, suspended from a riband of the same width and colour, fashioned into a bow.

Seventhly.—It is ordained that any act of gallantry which is worthy of recognition by the award of the Edward Medal, but is performed by one upon whom the Decoration has already been conferred, may, on a recommendation to Us by Our Principal Secretary of State for the Home Department, be recorded by a Bar attached to the riband by which the Medal is suspended; and for every such additional act an additional Bar may be added.

Eighthly.—In order to make such provision as shall effectually preserve pure these most honourable Decorations it is ordained that if any person, on whom either of such Decorations is conferred, be guilty of any crime or disgraceful conduct which, in Our judgment, disqualifies him for the same, his name shall, by an especial Warrant under Our Royal Sign Manual, be forthwith erased from the Register of those upon whom the said Decoration shall have been conferred and his Medal shall be forfeited. And every person to whom the said Medal is given shall, before receiving the same, enter into an agreement to return the same, if his name shall be so erased as aforesaid under this regulation. It is hereby further declared, that We, Our Heirs and Successors, shall be the sole judges of the circumstances demanding such forfeiture. Moreover, We shall at all times have power to regrant a Medal to any person whose Medal may at any time have been forfeited.

Given at Our Court at *Saint James's* the thirteenth day of *July*, one thousand nine hundred and seven, in the seventh year of Our Reign.

By His Majesty's Command,

H. J. GLADSTONE.

ORDERED that the paper be published in the Supplement to the *Gazette of India* and that copies be forwarded to the Local Governments and Administrations noted in the margin, to the Finance and Foreign Departments, the Railway Board, the Chief Inspector of Mines in India, and the Indian Mining Association, for information.

The Secretary to the Government of Madras, Revenue Department.
" " " " Bombay, " "
" Chief Secretary to the Government of Bengal.
" " " " the United Provinces.
" Revenue Secretary " " Punjab.
" Chief Secretary " " Burma.
" " " " Eastern Bengal and Assam.
" Honourable the Chief Commissioner, Central Provinces.
" Honourable the Resident at Mysore and Chief Commissioner of Coorg.
" Chief Commissioner of Ajmere-Merwara.
" Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.
" Agent to the Governor-General in Baluchistan.

W. L. HARVEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—3-1-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JANUARY 10, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 28, 1907.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 23rd December 1907.

No. 3246.—The Governor General in Council directs that the following addition shall be made to clause 3, Part I, of the schedule to the rules regarding the use of uniform by officers in civil employ published with the Home Department Notification No. 2531, dated the 23rd September 1907:—

"Inspector General of Excise and Salt."

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 27th December 1907.

No. 182.—The Governor General in Council is pleased to order the following promotions and reversions to and in the classes of Chief and Superintending Engineers of the Public Works Department with effect from the dates specified:—

Name.	From	To	With effect from
Davis, J. G.	Executive Engineer, 1st grade, and Superintending Engineer, 2nd class, *temporary rank.*	Superintending Engineer, 3rd class, permanent, and Superintending Engineer, 2nd class, *temporary rank.*	1st October 1907.
Rose, F. C.	Superintending Engineer, 3rd class, *temporary rank.*	Officiating Superintending Engineer.	Ditto.
Ward, T. R. J., C.I.E. ...	Officiating Superintending Engineer.	Superintending Engineer, 3rd class, *temporary rank.*	Ditto.

L. M. JACOB,

Secretary to the Government of India.

STAR OF INDIA.

NOTIFICATION.

Fort William, the 27th December 1907.

No. 49-*S. I.*—His Excellency the Grand Master of the Most Exalted Order of the Star of India and of the Most Eminent Order of the Indian Empire will hold an Investiture of both Orders in the Government House grounds on Tuesday, the 28th January 1908, at 9-30 P. M.

The Members of the two Orders present in Calcutta on the 28th January will be expected to attend, and they are requested to communicate their addresses to the undersigned not later than the 16th January.

Members who do not reside in Calcutta, but who nevertheless desire to attend the Investiture and will be present in Calcutta on the 28th January, should signify their intention to the undersigned not later than the 16th January, giving at the same time their temporary Calcutta addresses.

L. W. DANE,

Secretary to the Orders of the Star of India and the Indian Empire.

ARMY DEPARTMENT.

Fort William, the 27th December 1907.

VOLUNTEER CORPS.

PROMOTIONS AND RESIGNATIONS.

Simla Volunteer Rifles.

No. 1061.—Second-Lieutenant Sydney Herbert Rogers (Supernumerary List) resigns his commission. Dated 20th October 1907.

North-Western Railway Volunteer Rifles.

No. 1064.—Major Leonard Charles Dixon Bean to be Lieutenant-Colonel, *vice* Bagley resigned. Dated 3rd December 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATIONS.

Simla, the 19th December 1907.

No. 47.—Second Class Assistant Surgeon Edward Aubrey Davies in charge of the Remount Depôt Hospital, Mona, has been granted 3 months' privilege leave with effect from the 7th November 1907.

No. 58.—Third Class Assistant Surgeon Wilfred John Fleming has been appointed to the charge of the Remount Depôt Hospital, Mona, with effect from the 6th November 1907.

BRUCE SETON, MAJOR, I.M.S.,

for *Director-General, Indian Medical Service.*

FROM THE GAZETTE OF INDIA, DATED JANUARY 4, 1908.

LEGISLATIVE DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 27th December 1907.

No. 35.—The Governor-General is pleased to accept the resignation by the Hon'ble Mr. T. Gordon Walker, C. S. I., of his office of Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations.

No. 36.—In exercise of the power conferred by section 10 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), and section 1 of the Indian Councils Act, 1892 (55 & 56 Vict., c. 14), the Governor-General is pleased to nominate Mr. William Rudolph Henry Merk, C.S.I., of the Indian Civil Service, to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations.

J. M. MACPHERSON,
Secretary to the Government of India.

KAISAR-I-HIND MEDAL.

NOTIFICATION.

Calcutta, the 1st January 1908.

No. 1.—His Excellency the Viceroy and Governor-General is pleased to announce that His Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to award the Kaisar-i-Hind Medal for Public Service in India of the First Class to—

THE REVEREND E. GUILFORD, of the Church Missionary Society, Tarn Taran, Amritsar district, Punjab.

* * * * * * *

His Excellency the Viceroy and Governor-General is pleased to award the Kaisar-i-Hind Medal for Public Service in India of the Second Class to—

* * * * * * *

LALA JOTI PRASAD, Vice-President of the Municipal Committee, Jagadhri, Ambala district.

* * * * * * *

H. H. RISLEY,
Secretary to the Government of India,
Home Department.

HOME DEPARTMENT.

NOTIFICATIONS.

EXAMINATIONS.

Calcutta, the 3rd January 1908.

No. 1.—The following memorandum prepared by the Civil Service Commissioners is published for general information in continuation of the Home Department notification No. 610, dated the 10th December 1907 :—

MEMORANDUM.

It has been decided, in regard to open competitive examinations for Clerkships, Class I, in the Home Civil Service, that, after next year, Geography, treated scientifically, shall be added to the list of subjects included under the head Natural Science of which four may be taken up. It is proposed to make a similar addition to the list of subjects for open competitive examinations held after 1908 for the Civil Service of India and for Eastern Cadetships in the Colonial Services.

A Syllabus is appended.

CIVIL SERVICE COMMISSION,
LONDON, W.,
15th November, 1907.

Syllabus of Geography.

The history of geographical ideas and methods.

The construction and use of the more familiar map-projections. A general knowledge of the methods of exploratory surveying.

The characteristics and cartographical analysis of the physical regions of the world The configuration of the continents and of the bed of the occan. The characteristics and distribution of typical land-forms. The circulation of air and water. The climatic characteristics of different parts of the earth. The distribution of plant and animal-associations.

The classification and distribution of the races of mankind. Past and present lines of communication. The influence of geographical environment (physical features and other natural conditions) upon the habits, arts, industries, social organization and, generally, the political and economical development of the more important existing peoples.

EDUCATION

The 3rd January 1908.

No. 10.—In exercise of the powers confered by section 15, sub-section (1) of the Reformatory Schools Act, 1897 (Act VIII of 1897), the Governor-General in Council is pleased to direct that the reformatory school at Delhi in the Punjab shall be available for the reception of youthful offenders directed to be sent to a reformatory school by any court or magistrate in the North-West Frontier Province.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 30th December 1907.

No. 185—Mr. C. H. James, Deputy Examiner of Accounts, is, on return from leave, posted to the office of the Examiner of Public Works Accounts, Punjab.

No. 186.—Mr. W. H. Scott, Examiner of Accounts, is transferred from the office of the Examiner of Public Works Accounts, Punjab, to that of the Examiner of Accounts, North-Western Railway.

L. M. JACOB,

Secretary to the Government of India.

ORDER OF THE INDIAN EMPIRE.

NOTIFICATION.

Fort William, the 1st January, 1908.

1-I.E.

His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that His Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to make the following appointments to and promotions in the said Order:

* * * * * *

To be Knights Commanders.

* * * * * *

THOMAS GORDON WALKER, Esquire, C.S.I., Indian Civil Service, lately Financial Commissioner, Punjab.

* * * * * *

By Order of the Grand Master,

L. W. DANE,

Secretary to the Most Eminent Order of the Indian Empire.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Fort William, the 1st January, 1908.

5-I.C.

His Excellency the Viceroy and Governor-General is pleased to confer upon Hakim Ajmal Khan, of Delhi, the title of Hazik-ul-Mulk as a personal distinction.

8-I.C.

His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Bahadur, as a personal distinction, upon--

* * * * * *

Mian Muhammad Shafi, Barrister-at-Law, Advocate of the Chief Court, Punjab.

Mehr Allahyar Khan, Honorary Extra Assistant Commissioner, Multan, Punjab.

* * * * * *

11-I.C.

His Excellency the Viceroy and Governor-General is pleased to confer the title of Sardar Sahib, as a personal distinction, upon—

Narain Singh, Zaildar of Singpura, Gurdaspur District, Punjab.

* * * * * *

12-I.C.

His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Sahib, as a personal distinction, upon—

* * * * * *

Pir Muzaffar Ahmad, Deputy Collector, Public Works Department, Irrigation Branch, Punjab.

Miyan Ahmad Kaka Khel, Extra Assistant Commissioner, Punjab.

* * * * * *

13-I.C.

His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Sahib, as a personal distinction, upon—

* * * * * *

Lala Ganga Ram, Inspector of Police, Punjab.

* * * * * *

Bhai Hotu Singh, Extra Assistant Commissioner and Extra Assistant Settlement Officer, Bannu.

* * * * * *

L. W. DANE,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

INDUSTRIES.

Calcutta, the 31st December 1907.

No. 11076—18.—In exercise of the power conferred by section 9 of the Indian Tea Cess Act, 1903 (IX of 1903), the Governor-General in Council is pleased, on the recommendation of the Tea Cess Committee, to declare that sections 2 to 7 of the said Act shall continue in force until the 31st day of March 1913.

W. L. HARVEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—10-1-08—798.

// Government Gazette
PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JANUARY 17, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 11, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Calcutta, the 9th January 1908.

No. 22.—Major A. J. Macnab, F.R.C.S., I.M.S., (Bengal), Civil Surgeon of Simla, is ganted privilege leave for one month, with effect from the date on which he may avail himself of it.

No. 23.—Major R. Heard, M.B., I.M.S., (Bengal), Joint Medical Officer, Simla, is appointed to officiate as Civil Surgeon of Simla during the absence on leave of Major A. J. Macnab, F.R.C.S., I.M.S., (Bengal), in addition to his own duties.

JAILS.

The 10th January 1908.

No. 5.—The following Order of His Majesty in Council, dated the 9th September 1907, is published for general information :—

AT THE COURT AT BUCKINGHAM PALACE,

THE 9TH DAY OF SEPTEMBER 1907.

Present :

The King's Most Excellent Majesty

Lord President Lord Denman	Sir Charles Hardinge Mr. Harcourt.

His Majesty, by virtue and in exercise of the powers in this behalf vested in Him by the Colonial Prisoners' Removal Act, 1884, is pleased, by and with the advice

of His Privy Council, to make the following Order as to the removal and return of prisoners and criminal lunatics under the said Act :—

I. Every prisoner removed under the said Act from a British Possession to the United Kingdom for the purpose of undergoing the residue of a sentence involving confinement in a prison combined with hard labour, shall, in the United Kingdom, be dealt with as follows that is to say,

If the original period of his sentence did not exceed two years, in the same manner as if he had been sentenced in the United Kingdom to imprisonment with hard labour for the same period.

And if the original period of his sentence exceeded two years, in the same manner, as nearly as may be, as if he had been sentenced in the United Kingdom to penal servitude for the same period.

II. Every prisoner removed under the said Act from one British Possession to another British Possession for the purpose of undergoing the residue of a sentence shall in such last-mentioned British Possession be dealt with in the same manner as if he had there been sentenced to such punishment authorised by the law thereof as in the opinion of the Secretary of State signing the Order of Removal shall most nearly correspond to the punishment to which he was sentenced in the first-mentioned British Possession, and for the same period.

III. If the prisoner or criminal lunatic is to be removed to the United Kingdom—

(1) A Secretary of State shall make out and sign the Order of Removal in duplicate and shall send one copy to the Governor of the Colony from which the prisoner is to be removed, and the Governor shall thereupon make out and sign in duplicate a Notification of Concurrence in the Order of Removal.

(2) One copy of the Order of Removal shall be retained in the Colony and the other copy shall be transmitted by a Secretary of State to the Home Office for record.

(3) One copy of the Notification of Concurrence shall be retained in the Colony and attached to the Order of Removal and the other shall be sent to a Secretary of State and shall by him be transmitted to the Home Office for record.

IV. If the prisoner or criminal lunatic is to be removed to a British Possession—

(1) A Secretary of State shall make out and sign the Order of Removal in triplicate and shall send one copy to the Governor of each Colony concerned, who shall thereupon make out and sign in triplicate a Notification of Concurrence in the Order of Removal.

(2) The Governor of the Colony from which the prisoner is to be removed shall retain the copy of the Order of Removal and one copy of the Notification of Concurrence which he shall attach to the Order of Removal, and shall send the second copy of the Notification to the Governor of the Colony to which the prisoner is to be removed, and the third copy of the Notification to a Secretary of State.

(3) The Governor of the Colony to which the prisoner is to be removed shall retain the copy of the Order of Removal and one copy of the Notification of Concurrence which he shall attach to the Order of Removal, and shall send the second copy of the Notification to the Governor of the Colony from which the prisoner is to be removed, and the third copy of the Notification to a Secretary of State.

Provided that the above procedure shall not apply to the removal of a prisoner or criminal lunatic from one British Possession to another in pursuance of an agreement made between such Possessions and sanctioned by Order in Council under the provisions of the Colonial Prisoners' Removal Act, 1869.

V. A Removal Warrant duly made out and signed shall be transmitted with every prisoner or criminal lunatic who is removed. The Warrant shall be handed over with the prisoner or criminal lunatic to every person from time to time authorized to receive him in custody for the purpose of giving effect to the Order of Removal.

VI. The forms in the Schedule to this Order or forms to the like effect varied as circumstances may require may be used under the said Act.

VII. This Order shall commence and come into operation on the first day of November 1907.

VIII. The Order in Council of the thirteenth day of December one thousand eight hundred and eighty-nine made under the Colonial Prisoners' Removal Act, 1884, shall continue in force until the commencement of this Order, and shall thereupon be revoked without prejudice to anything lawfully done thereunder.

IX. This Order may be cited as "The Colonial Prisoners' Removal Order in Council 1907."

A. W. FITZROY.

SCHEDULE RFERRED TO IN THE FOREGOING ORDER IN COUNCIL.

I.—ORDER OF REMOVAL OF A PRISONER.

Colonial Prisoners' Removal Act, 1884.

Whereas *A. B.* was on the day of convicted before the Court of of the crime (*or* offence) of and sentenced to penal servitude (*or* imprisonment, *or*, as the case may be) for the term of years (*or* for life), and is now undergoing the said sentence in the Colony (*or* Protectorate, *or*) of :

And whereas it is likely that the life (*or* health) of said *A. B.* will be endangered (*or* permanently injured) by further imprisonment in the said Colony (*or* Protectorate *or*) :

[*Or* whereas the said *A. B.* belonged at the time of committing the said offence to the Royal Navy (*or* to His Majesty's regular military forces)] :

[*Or* whereas the said offence was committed wholly (*or* partly) beyond the limits of the said Colony, (*or* Protectorate, *or*)] :

[*Or* whereas by reason of there being no prison in the said Colony (*or* Protectorate, *or*) in which the said *A. B.* can properly undergo his sentence (*or*, for other reasons to be stated) the removal of the said *A. B.* is expedient for his safe custody (*or* for more efficiently carrying his sentence into effect)] :

[*Or* whereas the said *A. B.* belongs to a class of persons who under the law of the said Colony (*or* Protectorate, *or*) are subject to removal under the Colonial Prisoners' Removal Act, 1884]:

Now I do hereby in pursuance of the Colonial Prisoners' Removal Act, 1884, with the concurrence of the Government of the said Colony (*or* Protectorate *or*) [and the Government of the Colony (*or* Protectorate, *or*) of], order that the said *A.B.* be removed to the United Kingdom [*or* to the Colony (*or* Protectorate, *or*) of] there to undergo the residue of his said sentence (with such variations of the conditions thereof as are or shall be provided by any regulations in force for the time being under the said Act) in accordance with the said Act.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State, this day of 190 .

II.—NOTIFICATION OF CONCURRENCE IN ORDER OF REMOVAL OF A PRISONER.

Colonial Prisoners' Removal Act, 1884.

Whereas an Order has been made under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State for the removal of *A. B.*, a prisoner now in custody in the Colony (*or* Protectorate, *or*) of to the United Kingdom [*or* the Colony (*or* Protectorate, *or*) of] :

Now I, the Governor (*or* Lieutenant-Governor *or* the Officer Administering the Government) of the Colony (*or* Protectorate, *or*) of , with the advice of the Executive Council of the said Colony (*or* Protectorate, *or*) hereby concur in the said Order of Removal.

As witness my hand this day of 190 .

III.—WARRANT FOR REMOVAL OF A PRISONER.

Colonial Prisoners' Removal Act, 1884.

To *C. D.*, the Keeper of the Prison and to *E.F.*, and *G.H.*

Whereas an order has been made under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony (*or* Protectorate, *or*) of [and the Government of the Colony (*or* Protectorate, *or*) of]for the removal of *A. B.* a prisoner now in the custody of you, the said *C. D.*, under a sentence of penal servitude (*or* imprisonment *or*, as the case may be,) for the term of years from the day of (*or* for life), to the United Kingdom [*or* to the Colony (*or* Protectorate, *or*) of], there to undergo the residue of the said sentence.

Now I do hereby, in pursuance of the said Act, order you, the said *C.D.*, to deliver the body of the said *A. B.* into the custody of the said *E. F.*, and *G. H*, or one of them; and I do hereby, in further pursuance of the said Act, authorize you, the said *E.F*, and *G. H.*, or either of you, to receive the said *A. B.* into your custody, and to convery him to the United Kingdom [*or* to the Colony (*or* Protectorate, *or*)of], and to deliver him to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [*or* by the Governor of the said Colony (*or* Protectorate, *or*)]to receive him for the purpose of giving effect to the said Order of Removal.

And for so doing this shall be your warrant.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State (*or* Governor of), this day of 190 .

IV.—WARRANT OF RECEPTION OF A PRISONER.

Colonial Prisoners' Removal Act, 1884.

Whereas was on the day of 19 , convicted in the Court of of the crime of and sentenced to :

And whereas in pursuance of the provisions of the Colonial Prisoners' Removal Act, 1884, an Order has been made by one of His Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony (*or* Protectorate, *or*) of [and of the Government of this Colony (*or* Protectorate *or*)], for the removal of the said to the United Kingdom [*or*, to this Colony (*or* Protectorate, *or*)], there to undergo the residue of his sentence; and whereas the Governor of the Colony (*or* Protectorate, *or*) of by a warrant under his hand ordered the said to be conveyed to the United Kingdom [*or*, this Colony (*or*, Protectorate, or)] and delivered to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [*or* the Governor of this Colony (*or* Protectorate, *or*)] to receive him for the purpose of giving effect to the said Order of Removal.

Now I, the Right Honourable one of His Majesty's Principal Secretaries of State [*or*, the Governor of the Colony (*or* Protectorate, *or*) of] hereby authorize and empower the Governor of H. M. Prison and all persons acting under his orders, to receive and detain the said for the purpose of giving effect to the said Order of Removal; and I further authorize and empower the Governor of any other of H. M. Prisons to which the said may be removed from Prison and all persons acting under his orders to receive and detain the said for the purpose of undergoing the residue of his sentence in such Prison.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State (*or* Governor of) this day of 190 .

V.—ORDER FOR THE RETURN OF A PRISONER TO A BRITISH POSSESSION.

Colonial Prisoners' Removal Act, 1884.

Whereas *A. B.* was on the day of , 19 , convicted before the Court of of the crime (*or* offence, of) and sentenced to penal servitude (*or* imprisonment, *or* as the case may be), for the term of years (*or* for life),

And whereas the said *A. B.* has been removed, under the Colonial Prisoners' Removal Act, 1884, from the Colony (*or* Protectorate, *or*) of to and is now undergoing his said sentence in the United Kingdom [*or* the Colony (*or* Protectorate, *or*) of].

Now I, [with the advice of the Executive Council of the said Colony (*or* Protectorate, *or*) of] hereby, in pursuance of the said Act, order that the said *A. B.* shall be returned to the said Colony (*or* Protectorate, *or*) of , there to undergo the residue (*or* for the purpose of being there discharged at the expiration) of his said sentence.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State [*or* Governor (*or* Lieutenant-Governor, or Officer Administering the Government) of the Colony (*or* Protectorate, *or*) of] this day of 190 .

VI.—WARRANT FOR RETURN OF A PRISONER TO A BRITISH POSSESSION.

Colonial Prisoners' Removal Act, 1884.

To *C. D.*, the Governor (*or*) of the Prison, and to *E. F.* and *G. H.*

Whereas *A. B.*, having been sentenced by the Court of to penal servitude (*or* imprisonment, *or*, as the case may be) for the term of years from the day of 19 (*or* for life), has under an order duly made under the Colonial Prisoners' Removal Act, 1884, been removed to the United Kingdom [*or* to the Colony (*or* Protectorate, *or*)of] and is now in the custody of you the said *C. D.* undergoing his said sentence.

And whereas an order has been made under the said Act by one of His Majesty's Principal Secretaries of State [*or* by the Government of the said Colony (*or* Protectorate, *or*) of] for the return of the said *A. B.* to the said Colony (*or* Protectorate, *or*) of there to undergo the residue (*or* for the purpose of being there discharged at the expiration) of his said sentence.

Now I do hereby, in pursuance of the said Act, order you, the said *C. D.*, to deliver the body of the said *A. B.* into the custody of the said *E.F.* and *G.H.* or one of them; and I do hereby, in further pursuance of the said Act, authorize you the said *E. F.* and *G.H.*, or either of you, to receive the said *A. B.* into your custody, and to convey him to the Colony (*or* Protectorate, *or*) of , and to deliver him to such person or persons as shall be empowered by the Governor of the said Colony (*or* Protectorate, *or*) to receive him for the purpose of giving effect to the said order of return.

And for so doing this shall be your warrant.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State (*or* Governor of) this day of 190 .

VII.—ORDER OF REMOVAL OF A CRIMINAL LUNATIC.

Colonial Prisoners' Removal Act, 1884.

Whereas *A. B.* is in custody in the Colony (*or* Protectorate, *or*) of as a criminal lunatic having been charged with the offence of and found to have been insane at the time of such offence (*or* to be unfit on the ground of insanity to be tried for such offence [or having been convicted of the offence of and sentenced to penal servitude (*or* imprisonment, *or*) for the term of years from the day of 18 (or for life), and afterwards certified (*or* lawfully proved) to be insane]:

And whereas it is likely that the life (*or* health) of the said *A. B.* will be endangered (*or* permanently injured) by further detention in custody in the said Colony (*or* Protectorate, *or*):

[*Or* whereas the said *A. B.* belonged at the time of the said offence to the Royal Navy (*or* to His Majesty's regular military forces)]:

[*Or* whereas the said offence was committed wholly (*or* partly) beyond the limits of the said Colony (*or* Protectorate, *or*)]:

[*Or* whereas by reason of there being no asylum in the said Colony (*or* Protectorate, *or*), in which the said *A. B.* can be properly or conveniently detained and dealt with as a criminal lunatic, his removal to the United Kingdom [*or* to the Colony (*or* Protectorate, *or*) of] is expedient] :

[*Or* whereas the said *A. B.* belongs to a class of persons who, under the law of the said Colony (*or* Protectorate, *or*) are subject to removal under the Colonial Prisoners' Removal Act, 1884] :

Now I do hereby, in pursuance of the Colonial Prisoners' Removal Act, 1884, with the concurrence of the Government of the said Colony (*or* Protectorate, *or*) [and the Government of the Colony (*or* Protectorate, *or*) of] order that the said *A. B.* be removed to the United Kingdom] *or* to the Colony (*or* Protectorate, *or*) *or*] there to be detained in custody as a criminal lunatic, and dealt with in the same manner as if he had there become a criminal lunatic.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State this day of 190 .

VIII.—NOTIFICATION OF CONCURRENCE IN ORDER OF REMOVAL OF A CRIMINAL LUNATIC.

Colonial Prisoners' Removal Act, 1884.

Whereas an Order has been made under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State for the removal of *A. B.*, a criminal lunatic now in custody in the Colony (*or* Protectorate, *or*) of ,to the United Kingdom [*or* the Colony (*or* Protectorate, *or*) of]:

Now I, the Governor (*or* Lieutenant-Governor, or Officer Administering the Government) of the Colony (*or* Protectorate, *or*) of with the advice of the Executive Council of the said Colony (*or* Protectorate, *or* hereby concur in the said Order of Removal.

As witness my hand this day of 190 .

IX.—WARRANT FOR REMOVAL OF CRIMINAL LUNATIC.

Colonial Prisoners' Removal Act, 1884.

To *C. D.*, the Keeper of Lunatic Asylum, and to *E. F.* and *G. H.*

Whereas an order has been made, under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony (*or* Protectorate, *or*) of [and the Government of the Colony (*or* Protectorate, *or*) of] for the removal of *A. B.* a criminal lunatic now in the custody of you, the said *C.D.*, to the United Kingdom [*or* the Colony (*or* Protectorate, *or*) of] to be there dealt with in the same manner as if he had become a criminal lunatic in the United Kingdom (*or* the said Colony (*or* Protectorate, *or*) of] :

Now I do hereby, in pursuance of the said Act order you, the said *C. D.*, to deliver the body of the said *A. B.* into the custody of the said *E. F.* and *G. H.*, or one of them; and I do hereby, in further pursuance of the said Act, authorize you, the said *E. F.* and *G. H.*, or either of you, to receive the said *A. B.* into your custody, and to convey him to the United Kingdom [*or* to the Colony (*or* Protectorate, *or*) of], and to deliver him to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [*or* the Governor of the said Colony (*or* Protectorate, *or*)] to receive him for the purpose of giving effect to the said Order of Removal.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State (*or* the Governor of) this day of 190 .

X.—WARRANT OF RECEPTION OF A CRIMINAL LUNATIC.

Colonial Prisoners' Removal Act, 1884.

Whereas is in custody in as a criminal lunatic, having been charged with the offence of and found to be insane at the time of such offence (*or* to be unfit on the ground of insanity to be tried

for such offence) [or having been convicted of the offence of
and sentenced to and afterwards certified (or lawfully proved) to be insane]:

And whereas in pursuance of the provisions of the Colonial Prisoners' Removal Act, 1884, an Order has been made by one of His Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony (or Protectorate, or) of [and of the Government of this Colony (or Protectorate, or) for the removal of the said to the United Kingdom [or this Colony (or Protectorate, or)] there to be detained as a criminal lunatic until he shall have ceased to be a criminal lunatic, or shall otherwise lawfully be discharged:

And whereas the Governor of the Colony (or Protectorate, or) of by a Warrant under his hand, ordered the said to be conveyed to the United Kingdom [or to this Colony (or Protectorate, or)] and deliverd to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [or the Governor of this Colony (or Protectorate, or)] to receive him for the purpose of giving effect to the said Odrer of Removal:

Now I, the Right Honourable one of His Majesty's Principal Secretaries of State [or the Governor of the Colony (or Protectorate, or) of] hereby authorize and empower the Medical Superintendent of the Lunatic Asylum, and all persons acting under his orders, to receive and detain the said in the same manner as if he had become a criminal lunatic in the United Kingdom [or this Colony (or Protectorate, or)] until His Majesty's Pleasure be further known concerning him.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State (or the Governor of) this
day of 190 .

XI.—ORDER FOR THE RETURN OF A CRIMINAL LUNATIC TO A BRITISH POSSESSION.

Colonial Prisoners' Removal Act, 1884.

Whereas *A. B.*, having been in custody in the Colony (or Protectorate, or), of as a criminal lunatic, has been removed, under the Colonial Prisoners' Removal Act, 1884, to, and is now in custody as a criminal lunatic in, the United Kingdom [or the Colony (or Protectorate, or) of].

And whereas I [or the Government of the said Colony (or Protectorate, or) of] consider that the said *A. B.* has become sufficiently sane to be tried for the offence with which he was charged in the said Colony (or Protectorate, or) of].

Now I [with the advice of the Executive Council of the said Colony (or Protectorate, or)] hereby, in pursuance of the said Act, order that the said *A. B.* be returned to the said Colony (or Protectorate, or) there to be dealt with in the same manner as if he had not deen removed therefrom.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State [or the Governor (or Lieutenant-Governor, or Officer Administering the Government) of the Colony (or Protectorate, or) of] this
day of 190 .

XII.—WARRANT FOR RETURN OF A CRIMINAL LUNATIC TO A BRITISH POSSESSION.

Colonial Frisoners' Removal Act, 1884.

To *C. D.* The of the Lunatic Asylum, and to *E.F.* and *G.H.*

Whereas *A. B.*, having been in custody as a criminal lunatic in the Colony (or Protectorate, or) of has under an order duly made under the Colonial Prisoners' Removal Act, 1884, been removed to the United Kingdom [or to the Colony (or Protectorate, or) of] and is now in the custody of you, the said *C. D.*, as a criminal lunatic.

And whereas an order has been made under the said Act by one of His Majesty's Principal Secretaries of State [*or* by the Government of the said Colony (*or* Protectorate *or*) of] for the return of the said *A.B.* to the said Colony (*or* Protectorate, *or*) of]:

Now I do hereby, in pursuance of the said Act, order you the said *C.D.*, to deliver the body of the said *A.B.* into the custody of the said *E.F.* and *G.H.* or one of them; and I do hereby, in further pursuance of the said Act, authorize you the said *E.F.* and *G.H.* or either of you, to receive the said *A.B.* into your custody, and to convey him to the Colony (*or* Protectorate, *or*) of and to deliver him to such person or persons as shall be empowered by the Governor of the said Colony (*or* Protectorate, *or*) to receive him for the purpose of giving effect to the said order of return.

And for so doing this shall be your warrant.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State (*or* Governor of) this day of 190 .

H. H. RISLEY,

Serectary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE.

Calcutta, the 7th January 1908.

No. 141-4.—In exercise of the power conferred by section 10 (1) of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that the following amendment shall be made in the rules published in the notification in the Finance and Commerce Department No. 1429 C. S. R., dated the 30th March 1899, as subsequently amended :—

In rule 3, *for the words from 'Ascension' to 'Zanzibar' substitute the following :—*

Antigua
Ascension
Australia (including the States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; also British New-Guinea and Norfolk Island).
Bahamas
Berbados
Basutoland
Bechuanaland Protectorate
Bermuda
British Bechuanaland
British Central Africa
British East Africa and Uganda
British Guiana
British Honduras
British North Borneo
British Somaliland
Canada
Cape Colony
Cayman Island
Cyprus
Dominica
Falkland Islands
Fanning Islands
Fiji
Gambia
Gibraltar
Gold Coast
Grenada
Hong Kong
Jamaica
Labuan
Lagos
Malay States (Federated)
Malta
Mauritius
Montserrat
Natal
Nevis
Newfoundland
New Zealand (with Cook Islands)
Nigeria (Northern and Southern)
Orange River Colony
Rhodesia
St. Helena
St. Kitts.
St. Lucia
St. Vincent
Sarawak
Seychelles
Sierra Leone
Straits Settlements
Tobago
Tortola
Transvaal
Trinidad
Tristan d'Acunha
Turks and Caicos Islands
Zanzibar.

CUSTOMS.

The 9th January 1908.

No. 127-4.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the taking by sea or by land of Mhowra flowers from any part of British India to any part of the Indian Possessions of His Majesty the King of Portugal and Algarves.

W. L. HARVEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 10th January 1908.

LONDON GAZETTE.

No. 18.—The following extracts are published for general information :—

"*London Gazette,*" *dated 17th December* 1907, *pages* 8784 *and* 8785.

INDIA OFFICE,

December 17th, 1907.

The King has approved of the following promotions among officers of the Indian Army, Indian Medical Service and Indian Army Departments and admissions to the Indian Army, Indian Medical Service and Indian Army Reserve of Officers :—

* * * * * * *

INDIAN MEDICAL SERVICE.

Majors to be Lieutenant-Colonels.

Dated 1st October 1907.

* * * * * * *

David MacDonald Davidson, M. B.

* * * * * * *

John Charles Lamont, M. B.

* * * * * * *

Albert Coleman.

* * * * * * *

Daniel Thomas Lane, M. D.

* * * * * * *

Lieutenants to be Captains.

Dated 1st September 1907.

* * * * * * *

Alfred Henry Proctor, M. D.

* * * * * * *

MEDALS AND DECORATIONS.

No. 30.—His Rxcellency the Governor General of India is pleased to confer the Volunteer Officers' Decoration upon the undermentioned officers :—

* * * * * * *

1st Punjab Volunteer Rifles.

Captain William Hawkins.

* * * * * * *

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA, JANUARY 11, 1908.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

Nos. 35—49.

ACKNOWLEDGMENT OF THE SERVICES OF THE EDITORS AND OTHER OFFICERS IN CONNECTION WITH THE PREPARATION OF THE REVISED EDITION OF THE IMPERIAL GAZETTEER OF INDIA.

Calcutta, the 6th January 1908.

RESOLUTION.

IN the year 1900 the Government of India decided with the sanction of the Secretary of State, to undertake the revision of Sir William Hunter's *Imperial Gazetteer of India*, the last edition of which had been published in 1885-1887. The work was to be mainly carried out, after their census duties were over, by the officers then engaged in census operations, who were thereby acquiring a large general knowledge of the circumstances of the various Provinces. Later on, however, it was found that mere revision of the existing Gazetteer would not suffice; and the new Imperial Gazetteer now being issued will contain four volumes dealing with India as a whole against Sir William Hunter's one, and twenty-six volumes in all against his fourteen, while it will also include a special volume of maps. Apart from this expansion in size, the matter of the earlier editions has been so largely superseded or reconstructed that the new Imperial Gazetteer is to all intents and purposes a fresh work.

2. Under the scheme thus amplified the new Imperial Gazetteer comprises—

(*a*) Four Volumes on India as a whole, dealing respectively with descriptive, historical, economic and administrative matter, each volume having a separate index and being separately procurable;

(*b*) Twenty volumes containing, in a general alphabetical arrangement for all India, articles on provinces, states, mountains, rivers, districts, tahsils towns, places of interest, etc;

(*c*) An index volume for the whole work;

(*d*) An atlas containing an appropriate series of maps.

3. For the convenience of officials and others, whose primary interests lie in a particular Province, the articles in the twenty alphabetical volumes of the Imperial Gazetteer have been re-arranged on a geographical basis, in one or two volumes as the case may be, for the various Provinces of British India, with separate volumes for the Native States of Rajputana and Central India, and for Afghanistan, Nepal, Kashmir, Hyderabad, Mysore and Baroda. This collection, entitled the Provincial and State Gazetteer series, covers twenty-six volumes of varying size, each of which will be separately procurable, and will contain a separate index. Both the Imperial and the Provincial Gazetteers are being printed at the Clarendon Press, Oxford, but the latter series will be published in India. The atlas volume of the Imperial Gazetteer is under preparation by Mr. J. C. Bartholomew.

Of the four India volumes of the Imperial Gazetteer, Nos. I, III and IV have been already published, and the rest of the work, and the Provincial Gazetteer series will be issued shortly.

4. In connection with the compilation of the Imperial Gazetteer steps have also been taken for an extensive revision, on a uniform plan, of existing district gazetteers, and for writing new gazetteers of this description where none previously existed. The result will be a District Gazetteer series which will, generally speaking, contain two volumes for each district, the larger dealing with descriptive matter of comparatively permanent value,

while the smaller will contain tables of statistics, and explanatory notes thereon, which can be more frequently revised, and which, on revision, will also embody such changes as require to be recorded in connection with the descriptive volume. A similar series of State Gazetteers is under preparation in Rajputana and Central India. A considerable number of the volumes of this new District series have already appeared.

5. The compilation of material for the alphabetical volumes of the new Imperial Gazetteer was for the most part entrusted, in accordance with the original intention, to the various Provincial Census Superintendents, but in the course of the operations there were some changes in the *personnel*. Each important Province had a full-time Gazetteer Superintendent, as was also the case in the Rajputana and Central India Agencies and in the Hyderabad State; and some of these officers were likewise entrusted with the revision of the district gazetteers mentioned above. For minor Provinces such as Coorg, the Andamans and Ajmer-Merwara special writers were engaged, and the preliminary preparation of each chapter contained in the India volumes was entrusted to a writer who had special knowledge of the subject.

6. A general Editor was appointed for India, whose function it was to devise a scheme of operations, to direct and co-ordinate the work of the Provincial Superintendents, and to edit all material sent up for the alphabetical volumes and for Volumes III and IV, and part of Volume I, of those relating to India. There was also an Editor in England, appointed by the Secretary of State, who was charged, in subordination to a Committee at the India Office, with the editorial supervision of the rest of the India volumes, the responsibility for the final form of the whole work, and the duty of seeing it through the press.

7. The work which was controlled in India by the general Editor was carried on under official supervision. Each chapter of the India volumes was submitted for the criticism of the Department of the Government of India concerned with its subject, and the articles on provinces, and some of the more important of the other alphabetical articles, were similarly submitted to the local Governments.

8. Mr. J. S. Cotton, who was closely associated with Sir William Hunter in the former Gazetteer, has been throughout the Editor in England. Sir Herbert Risley, K.C.I.E., C.S.I., was the first general Editor, and worked out the broad plan of the scheme of revision. On his selection, in September 1902, as Home Secretary, he was succeeded by Mr. W. S. Meyer, C.I.E., who drew up the detailed regulations under which the greater part of the work has been executed, and the general scheme of the Atlas, and carried out the primary editing of most of the chapters relating to India as a whole and of some of the provincial articles. On his appointment to be Finance Secretary, he was succeeded, in February 1905, by Mr. R. Burn, I.C.S., who completed the editorial work in India.

9. Now that the publication of the new Imperial Gazetteer has commenced, the Governor-General in Council desires to place on record his cordial acknowledgments to the Editors for the ability and industry displayed by them in carrying through a work of such importance and magnitude, which he anticipates will be of the greatest value as a standard work of reference for those charged with the administration of the country. His Excellency in Council also desires to convey his thanks to the Superintendents and Assistant Superintendents of gazetteer revision in the various Provinces and States, and to those officers who were selected to write special chapters or articles, for the assistance they have rendered in the preparation of the revised edition. The thanks of the Government of India have already been communicated to those Chiefs of Native States who gave valuable assistance in connection with the editorship of the Imperial Gazetteer.

ORDER.—Ordered that a copy of this resolution be forwarded to Sir Herbert Risley, K.C.I.E., C.S.I., Mr. W. S. Meyer, C.I.E., and Mr. R. Burn, I.C.S., for information; to the local Governments* and Administrations and the Foreign Department for information and communication to the Gazetteer Superintendents and Assistant Superintendents concerned; and to the Secretary of State for India for information and communication to Mr. J. S. Cotton.

* Madras.	Burma.
Bombay.	Eastern Bengal & Assam.
Bengal.	Central Provinces.
United Provinces.	Coorg.
Punjab.	N.-W. Frontier Province.

Ordered also that the resolution be published in the *Gazette of India*.

G. B. H. FELL,

Deputy Secretary to the Government of India.

No. 22—42-1.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCIAL EXHIBITIONS.

THE UNIVERSAL AND INTERNATIONAL EXHIBITION TO BE HELD AT BRUSSELS IN THE YEAR 1910.

RESOLUTION.

Dated Calcutta, the 6th January 1908.

THE following notification of the Universal and International Exhibition to be held at Brussels in the year 1910 is published for general information. The Government of India have decided not to participate in the Exhibition.

KINGDOM OF BELGIUM.

BRUSSELS UNIVERSAL AND INTERNATIONAL EXHIBITION ORGANISED FOR 1910 UNDER THE HIGH PATRONAGE OF HIS MAJESTY THE KING OF THE BELGIANS AND THE HONORARY PRESIDENCY OF H. R. H. PRINCE ALBERT OF BELGIUM.

APPEAL TO EXHIBITORS.

Brussels, October 30th, 1907.

A Universal and International Exhibition will open at Brussels in the month of April 1910, and will last for at least six months.

The four Universal and International Exhibitions previously held in Belgium namely, at Antwerp in 1885 and in 1894, at Brussels in 1897, and at Liege in 1905, proved eminently successful, and there is every reason to hope that their success will be equalled and even surpassed by the World's Fair now under organisation in the *Capital* of Belgium. The intended Exhibition will include, as to its chief divisions, the following Groups:—

I—Fine Arts.

II—Education.

III—Instruments and general methods connected with Letters, Sciences and Arts.

IV—Plant and general methods connected with Machinery.

V—Electricity.

VI—Civil Engineering.—Means of Transport.

VII—Agriculture.

VIII—Horticulture and Arboriculture.

IX—Forests.—Shooting.—Hunting.—Fishing.—Fruit gathering.

X—Articles of Food.

XI—Mines.—Metallurgy.

XII—Decoration and furnishing of Public Buildings and Private Houses.

XIII—Yarns, Woven Fabrics, Wearing Apparel.

XIV—Chemical Industry.

XV—Miscellaneous Industries.

XVI—Social Economy.

XVII—Public Health.—Charitable Institutions.

XVIII—Practical Education.—Economic Institutions.—Female Handicraft.

XIX—Trade.—Colonization.

XX—Land and Sea Forces.

XXI—Sports.

XXII—Congresses and Conferences.

Brussels is extending day by day, and the public authorities do everything in their power to justify the name which it already has of being one of the finest *Capitals* of Europe.

Only recently its territory has been considerably added to by the incorporation of a large amount of land running alongside the *Bois de la Cambre*, the favourite resort of the Brussels people.

On this marvellously situated spot covering, as it does, more than 200 acres, halls and pavilions will be erected, ready to accommodate productions from all over the world.

Broad tree-set avenues will connect the Avenue Louise with the entrance of the Exhibition, while tramway lines will ensure communication with all the suburban districts of the city.

How delightful it will be for the visitors, after spending the greater part of the day in thoroughly going over the galleries, to be able to enjoy from the terraces, in the cool of fine summer evenings, the glorious scenery of the sunset lighting up in crimson the beautiful foliage of the grand trees of the forest—a magnificent frame encircling the vast arena where the workers of the whole world will soon gather to wrestle with each other in a courteous and peaceful manner.

The Exhibition grounds will be connected with the Belgian State Railways.

The Principal Palace as well as the Halls of the Exhibition will be built of iron and covered with hard materials; the Palace will be surrounded by a *vast Park* containing numerous attractions.

Adopting the idea suggested by the magnificent displays witnessed at Turin and Milan, the organisers contemplate the creation of an international section of *Modern Decorative Art*.

The *Machinery Hall* will have, annexed to it, a working gallery where numerous workshops will continually be in operation under the eyes of the public. Special attention will be paid to the installation of a compartment of *small tools* and of motors for performing *work at home*.

A special Palace may be reserved for *Retrospective and Modern Exhibitions of Lighting appliances* of every description.

As was done at the Liege Exhibition in 1905, *Female Arts and Industries* will be the subject of a special organisation.

With the view of giving effect to the resolutions adopted at the Congress of the World's Expansion held at Mons in 1905, the Executive Committee will make it a point of arranging Groups in connection with Trade and Colonisation.

The programme will also include special exhibitions, *temporary Agricultural and Horticultural Shows, Congresses, Conferences, Artistic Fêtes* and *Competitions* of all kinds, so as to afford visitors every possible *attraction*.

Further, the Executive Committee will give their patronage to the formation of a *Commercial Bureau* on the premises, which besides affording the exhibitor a means of protection of his interests at the Exhibition, will at the same time be a source of diffusion of his industry.

The *Commercial Bureau* will centralise all information concerning the industries represented; it will place Engineers at the disposal of such visitors as may wish to be guided over the Exhibition, and it will endeavour, in every possible way, to promote the development of commercial intercourse between the countries gathered together at this World's Fair.

The necessary measures will be taken for *protecting* in Belgium patentable *inventions*, industrial designs or models, and manufacturing or trade marks appearing at the Exhibitions.

The Government will grant on the State Railways *free transport* of *Belgium products* returning from the Exhibition.

The Exhibition will be treated as an *actual bonded warehouse*, foreign goods consigned to the Exhibition being allowed provisional *duty-free importation*, subject to being afterwards re-exported.

The general Regulations, the classification of exhibits and conditions of admission will very shortly be settled ; a plan has already been adopted consisting in dividing the goods according to national Compartments, *viz.*, grouping together the works and productions of each country, combined with a system of general classification.

The price for space will include the expenses of general decoration and handling charges : exhibitors will thus be enabled to ascertain beforehand the exact outlay incumbent upon them.

A *Lottery* will be organised under the authority and supervision of the Government ; the prizes will be purchased from amongst the exhibits.

An *International Jury*, appointed with the approbation of the Government, will undertake the allotment of awards.

The *Belgian Government* have appointed a Commissioner General to act as their Delegate to the Executive Committee of the Exhibition and Foreign Sections, and a Commission will shortly be instituted for the purpose of inducing Belgian producers to concur, and of furthering their participation.

The Exhibition is placed under the *High Patronage of His Majesty the King of the Belgians and the Honorary Presidency of H. R. H. Prince Albert of Belgium.*

It has already secured the effective co-operation of the Belgian Government as well as the support of the City of Brussels.

The profits realised by the undertaking are to be applied to the organisation of *Fêtes* and *Rejoicings* of an attractive character so as to draw people to the Exhibition and to the capital, and the surplus, if any, will be devoted to a *Fund of Public Utility*.

The chief object of the organisers is to promote and develop international dealings, namely, to extend outlets for *Industry*, to open up broader fields of action for trade, and moreover to increase and multiply the *commercial relations* between all Nations.

The Executive Committee therefore warmly appeal to every Nation of the Globe, in the hope that all countries will direct their combined efforts toward collecting at Brussels a large and choice selection of exhibits, in evidence of the importance attached to the pursuit of progress in every branch of human activity.

ORDERED that the foregoing papers be published in the Supplement to the *Gazette of India*, for general information, and that copies be forwarded to the Local Governments and Administrations named in the margin for information.

The Government of Madras.
" " " Bombay.
" " " Bengal.
" " " the United Provinces.
" " " the Punjab.
" " " Burma.
" " " Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner, Central Provinces.
The Chief Commissioner of Coorg.

Ordered, also, that a copy be forwarded to the Chief Commissioner of Ajmer-Merwara, and the Honourable the Agent to the Governor General and Chief Commissioner, North-West Frontier Province, for information, and to the Foreign Department, for information and communication to Native States.

Ordered, also, that a copy be forwarded to all Chambers of Commerce for information.

W. L. HARVEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—17-1-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JANUARY 17, 1908.

PART III.

Notifications by Chief Court, Financial Commissioner, Accountant-General, &c.

CHIEF COURT, PUNJAB.

NOTIFICATIONS.

The 8th January 1908.

No. 122 *G.—Notification.*—It is hereby notified that the Chief Court of the Punjab has been pleased to admit Kanwar Badri Krishen, son of Beni Kishen, as a pleader of the 1st grade, on the 4th December 1907.

The 10th January 1908.

No. 133 *G.—Notification.*—It is hereby notified that the Chief Court of the Punjab has been pleased to admit Malik Muhammad Hussain Kakazai, B.A., LL.B., son of Malik Chiragh-ud-din, as a pleader of the 1st grade, on the 18th December 1907.

No. 134 *G.—Notification.*—It is hereby notified that the Chief Court of the Punjab has been pleased to admit Khwaja Ghulam Mohy-ud-din, B.A., son of Khwaja Abdul Aziz, as a pleader of the 1st grade, on the 13th December 1907.

No. 135 *G.—Notification.*—It is hereby notified that the Chief Court of the Punjab has been pleased to admit Mian Ghulam Muhammad, B.A., LL.B., son of Mian Sultan Bakhsh Raather, as a pleader of the 1st grade, on the 13th December 1907.

The 11th January 1908.

No 156 *G.—Notification.*—It is hereby notified that the Chief Court of the Punjab has been pleased to admit Lala Sohan Lal, B.A., son of Dr. Bhagwan Das, as a pleader of the 1st grade, on the 20th December 1907.

No. 157 *G.—Leave.*—The leave on medical certificate granted to Lala Sri Ram, Munsif, in this office notification No. 4388 G., dated the 14th November 1907, is extended by a further period of three months, with effect from the forenoon of the 23rd December 1907.

The 13th January 1908.

No. 172 *G.—Notification.*—It is hereby notified that the Chief Court of the Punjab has been pleased to admit Bakhshi Tek Chand, M.A., LL.B., son of Bakhshi Jaishi Ram, as a pleader of the 1st grade, on the 9th December 1907.

No. 173 *G.—Notification.*—It is hereby notified that the Chief Court of the Punjab has been pleased to admit Bhai Narain Singh, B.A., son of Sardar Ram Singh, as a pleader of the 1st grade, on the 17th December 1907.

No. 186 *G.—Notification.*—It is hereby notified that the Chief Court of the Punjab has been pleased to admit Pandit Brahma Nand, B.A., son of Pandit Shalagrama as a pleader of the 1st grade, on the 17th September 1907.

By order, &c.,

H. D. CRAIK,

Registrar.

FINANCIAL COMMISSIONER'S OFFICE.

NOTIFICATIONS.

The 8th January 1908.

No. 7.—*Leave.*—Mr. A. S. Mulaim-ud-din, Tahsildar of the Sadr tahsil of the Jhang district, is granted privilege leave for 3 months with effect from the date from which he is relieved.

No. 8.—*Appointment.*—Munshi Najam-ud-din, Tahsildar candidate, and officiating Tahsildar of Sinanwán tahsil in the Muzaffargarh district, is appointed to officiate as Tahsildar of the Sadr tahsil of the Jhang district, *vice* Mr. A. S. Mulaim ud-din, Tahsildar, granted privilege leave.

The 9th January 1908.

No. 9.—*Posting.*—In supersession of notification No. 179, dated the 8th October 1907, Lala Diwan Chand II, Tahsildar in the Ráwalpindi settlement, on expiry of his leave, is posted to the Fatehabad tahsil in the Hissar settlement, *vice* Munshi Sant Singh, Tahsildar, transferred.

Transfer and reversion.—On relief by Lala Diwan Chand II, Munshi Sant Singh, Tahsildar of the Fatehabad tahsil in the Hissar Settlement is transferred to the Sadr tahsil of the same settlement, *vice* Lala Kanshi Ram, officiating Tahsildar, who will revert to his substantive appointment of Settlement Naib Tahsildar.

No. 10.—*Leave.*—The privilege leave granted in this office notification No. 205, dated the 18th November 1907, to Lala Gurdas Mal, Tahsildar of the Pákpattan tahsil in the Montgomery district, and subsequently extended by notification No. 219, dated the 16th December 1907, is further extended by a period of 10 days.

The 11th January 1908.

No. 11.—*Posting and reversion.*—On reversion from foreign service under the Kashmir Darbar, Lala Brij Lal, Settlement Naib Tahsildar, is posted to the Beri sub-tahsil of the Rohtak settlement to officiate as Tahsildar, *vice* Munshi Diwan Chand, Nayyar, who will revert to his substantive appointment of Settlement Naib Tahsildar.

The 13th January 1908.

No 12.—*Leave.*—In supersession of notification No. 192, dated the 23rd October 1907, Lala Sada Rang, Tahsildar of the Isa Khel tahsil in the Miánwáli district, is granted privilege leave for 2 months and 15 days combined with furlough for 4 months, with effect from the forenoon of the 2nd November 1907.

By order,

H. RAYNOR GOULDING,

Assistant Secretary to the Financial Commissioner, Punjab.

The 9th January 1908.

Erratum.—Against the 4th entry and in the 3rd column of this office notification No. 215, dated the 4th December 1907, *for* Sayad Nasir-ud-din *read* Sayad Nasir Ali.

The 14th January 1908.

No. 15.—Examination.—It is notified for general information that the persons whose names are entered in the subjoined statement passed the Naib Tahsildars' Examination held at Lahore in August 1907:—

Serial No.	District.	Name.	Father's name.	Designation.	REMARKS.
			Ordinary Naib Tahsildar Candidates.		
1	Rohtak ...	Imam Ali Khan ...	Turreh Baz Khan ...	Judicial Muharrir, Deputy Commissioner's Court.	Passed in papers 2 and 3, and *completes the examination.*
2	Ditto ...	Mutaqi Khan ...	Wali Muhammad Khan	Deputy Record-keeper ...	Passed in papers 1 and 5, and subject to re-examination in 2 and 3.
3	Gurgaon ...	Faiz Ali Khan ...	Raja Fatteh Khan ...	...	Passed in papers 2, 3, 4 and 5, and *completes the examination.*
4	Ditto ...	Ahmad Hussain ...	Abid Hussain ...	Assistant Local Funds clerk, Commissioner's office, Delhi.	Passed in papers 4 and 5, and subject to re-examination in 1, 2 and 3.
5	Delhi ...	Murtaza Hussain ...	Muhammad Hussain ...	Office Kanungo ...	Passed in paper 5, and subject to re-examination in 2 and 3.
6	Ditto ...	Nawal Kishore ...	Bansi Lal ...	Field Kanungo ...	Passed in papers 1, 2, 3 and 5, and subject to re-examination in 4.
7	Ditto ...	Ahmad Hussain, B.A.	Nawab Mir ...	Judicial Muharrir ...	*Passed in all subjects.*
8	Ditto ...	Pran Kishan, Kaul ...	Maharaj Kishan, Kaul	Clerk, Financial Commissioner's office.	Passed in paper 5, and *completes the examination.*
9	Karnál ...	Shah Abbas ...	Parwez Shah ...	...	Passed in papers 2, 3 and 5, and subject to re-examination in 1.
10	Ditto ...	Khazan Singh ...	Amar Singh ...	...	Passed in papers 2, 3, 4 and 5, and *completes the examination.*
11	Ditto ...	Tulsi Ram ...	Kishan Chand ...	Distillery Supervisor, Amritsar.	Passed in papers 2, 3 and 5, and *completes the examination.*
12	Ambála ...	Laiq Ram ...	Ganga Ram ...	Field Kanungo ...	Passed in paper 4, and *completes the examination.*
13	Ditto ...	Jiwa Nand ...	Sham Lal ...	Ditto ...	*Passed in all subjects.*
14	Ditto ...	Pirthi Singh ...	Kapur Singh ...	Excise Darogha ...	Passed in paper 5, and *completes the examination.*
15	Kángra ...	Chiman Lal ...	Mangat Ram ...	...	*Passed in all subjects.*
16	Hoshiárpur ...	Barkat Ali Khan ...	Wazir Khan ...	Statistical writer ...	Passed in papers 2 and 3, and *completes the examination.*
17	Ditto ...	Gulzari Ram ...	Fateh Chand ...	Muharrir, District Board ...	Passed in papers 1 and 5, subject to re-examination in 2, 3 and 4.
18	Ditto ...	Gurdit Chand ...	Thakur Das ...	...	*Passed in all subjects.*
19	Ludhiána ...	Jagdish Singh ...	Harnam Singh ...	...	Passed in paper 4, and subject to re-examination in 1, 2, 3 and 5.
20	Ditto ...	Abdur Rahim ...	Abdul Karim ...	Field Kanungo ...	Passed in papers 1, 4 and 5 and subject to re-examination in 2 and 3.
21	Montgomery ...	Iman Din ...	Chiragh Din ...	Office Kanungo ...	Passed in papers 4 and 5, and *completes the examination.*
22	Lahore ...	Kanwal Nain ...	Tilok Chand ...	...	Passed in papers 1, 2, 3 and 5, and *completes the examination.*

Serial No.	District.	Name.	Father's name.	Designation.	REMARKS.
23	Lahore ...	Saadat Ali Khan ...	Nawab Ahmad Ali Khan.	...	Passed in papers 1, 4 and [illegible] ject to re-examination in [illegible]
24	Ditto ...	Dilbagh Singh ...	Gopal Singh ...	Clerk, Financial Commissioner's office.	Passed in papers 1, 2 and [illegible] ject to re-examination in 4 [illegible]
25	Amritsar ...	Jagat Singh ...	Tara Singh ...	Nazir, Settlement Office, Hissar.	Passed in paper 5, and *com[illegible] the examination.*
26	Ditto ...	Manawar-ud din ...	Farid-ud-din ...	Nazir, Deputy Commissioner's office, Amritsar.	Passed in papers 1 and 5, and [illegible] *pletes the examination.*
27	Ditto ...	Gian Singh ...	Basawa Singh ...	Kanungo, Karnál Settlement.	Passed in papers 2, 3, 4 and [illegible] subject to re-examination in [illegible]
28	Siálkot ...	Said Muhammad ...	Sardar Khan ...	Officiating Naib Tahsildar	Passed in paper 5, and *com[illegible] the examination.*
29	Jhelum ...	Siri Ram ...	Thakar Das ...	Assistant Sadr Wasil Baqi Navis, Ráwalpindi.	Passed in papers 1, 4 and 5 [illegible] subject to re-examination [illegible] and 3.
30	Gujrát ...	Ali Ahmad ...	Shah Ahmad Khan ...	Judicial Muharrir ...	Passed in papers 1 and 5, and [illegible] *pletes the examination.*
31	Ditto ...	Muhammad Mohsan Khan.	Yar Muhammad Khan	...	Passed in papers 4 and 5, and [illegible] ject to re-examination in 2 [illegible]
32	Ditto ...	Fazl Ahmad ...	Fateh Ali ...	Field Kanungo ...	Passed in papers 2 and 3, and [illegible] *pletes the examination.*
33	Miánwáli ...	Fateh Chand ...	Bukal Singh ...	Office Kanungo ...	Passed in papers 4 and 5, and [illegible] ject to re-examination in 2 and [illegible]
34	Ditto ...	Muhammad Yar Khan, B.A.	Muhammad Khan ...	Reader	Passed in papers 1 and 4 and [illegible] ject to re-examination in 2, 3 [illegible] 5.
35	Ditto ...	Muhammad Saif-ullah Khan.	Muhammad Faiz-ullah Khan.	...	Passed in papers 4 and 5, and [illegible] ject to re-examination in 1, 2 [illegible] 3.
36	Ditto ...	Nur Muhammad Khan	Ali Muhammad ...	Excise Darogha ...	*Passed in all subjects.*
37	Lyallpur ...	Qasam Shah ...	Hassan Shah ...	Field Kanungo ...	Passed in paper 5, and *complete[illegible] examination.*
38	Jhang ...	Dhian Singh ...	Aja Singh ...	Excise Darogha ...	Passed in paper 5, and subject [illegible] re-examination in 2 and 3.
39	Ditto ...	Ghulam Murtaza ...	Ghulam Mustafa Khan	Field Kanungo, Karnál Settlement.	*Passed in all subjects.*
40	Ditto ...	Muhammad Murad ...	Mehr Sultan ...	Inspection Muharrir ...	Passed in papers 1, 4 and 5 [illegible] subject to re-examination [illegible] and 3.
41	Multán ...	Ganga Ram ...	Chandar Bhan ...	...	*Passed in all subjects.*
42	Ditto ...	Nasir ud-din ...	Ilahi Bakhsh ...	...	Passed in papers 2 and 3, and [illegible] *pletes the examination.*
43	Ditto ...	Ziadat Khan ...	Karm Khan ...	...	Passed in papers 2, 3, 4 and 5, subject to re-examination in [illegible]
44	Ditto ...	Murli Dhar ...	Tikkan Mal ...	Excise Darogha ...	*Passed in all subjects.*
45	Muzaffargarh	Bhoja Ram ...	Jhangi Ram ...	Officiating District Kanungo	Passed in paper 4, and subject [illegible] re-examination in 2 and 3.
46	Ditto ...	Nur-ul-Haq ...	Muhammad Munir ...	Field Kanungo ...	Passed in papers 4 and 5, and [illegible] ject to re-examination in 2 a[illegible]

Serial No.	District.	Name.	Father's name.	Designation.	REMARKS.
47	Muzaffargarh	Muhammad Ibad-ullah, Akhtar.	Ghulam Rasul ...	Clerk, Divisional Court, Shahpur.	Passed in papers 1, 4 and 5, and subject to re-examination in 2 and 3.
48	Dera Gházi Khan.	Said Muhammad Khan	Isan Khan ...	Teacher in Government School.	Passed in paper 4, subject to re-examination in 1, 2, 3 and 5.
49	Ditto ...	Ghulam Yazdani, B. A.	Ghulam Jilani ...	...	Passed in papers 2, 3, 4 and 5, and *completes the examination.*
50	Ditto ...	Bishambar Nath ...	Thakur Das ...	Clerk, Commissioner's office, Multán.	Passed in paper 5, and *completes the examination.*
51	Ditto ...	Uttam Singh ...	Issar Dass ...	Field Kanungo ...	*Passed in all subjects.*
			Settlement candidates.		
52	Hissar ...	Muhammad Hussain...	Fateh Muhammad ...	Head Clerk, Settlement Office.	Passed in papers 4 and 5, and subject to re-examination in 1, 2 and 3.
53	Ditto ...	Fazl Kadir Khan ...	Alam Khan ...	Field Kanungo ...	Passed in papers 4 and 5, and *completes the examination.*
54	Ditto ...	Mangal Singh ...	Kirpal Singh ...	Ditto ...	Passed in paper 5, and *completes the examination.*
55	Rohtak ...	Lachhman Das ...	Attar Chand ...	...	Passed in paper 5, and subject to re-examination in 2, 3 and 4.
56	Ditto ...	Sant Singh ...	Hardit Singh ...	...	Passed in papers 4 and 5, and *completes the examination.*
57	Ditto ...	Feroze Din, B.A. ...	Ghulam Kadir ...	Officiating Kanungo ...	Passed in papers 1, 4 and 5, and subject to re-examination in 2 and 3.
58	Ditto ...	Amir Ali, B.A. ...	Khuda Bakhsh ...	Ditto ...	*Passed in all subjects.*
59	Ditto ...	Khuda Bakhsh, B.A. ..	Maula Bakhsh ...	Field Kanungo ...	*Ditto.*
60	Ditto ...	Muhammad Zaman Khan.	Fakir Muhammad Khan	Ditto ...	Passed in papers 4 and 5, and subject to re-examination in 1, 2 and 3.
61	Gurgaon ...	Ram Prasad ...	Ghasita Ram ...	...	Passed in papers 2 and 3, and subject to re-examination in 1, 4 and 5.
62	Ditto ...	Hukam Chand ...	Ram Das ...	Kanungo ...	*Passed in all subjects.*
63	Ditto ...	Ganpat Rai ...	Jowahar Lal ...	Field Kanungo ...	Passed in papers 1 and 4, and subject to re-examination in 2, 3, and 5.
64	Ditto ...	Abdul Malak ...	Fazl Dad Khan ...	Officiating Field Kanungo	*Passed in all subjects.*
65	Ditto ...	Sharm Singh ...	Kesar Mal ...	Field Kanungo ...	*Ditto.*
66	Delhi ...	Nadar Khan ...	Hayat Muhammad ...	Officiating Field Kanungo	Passed in papers 2, 3, and 5, and *completes the examination.*
67	Ditto ...	Sagar Chand ...	Hari Chand ...	...	Passed in papers 4 and 5, and subject to re-examination in 1, 2 and 3.
68	Ditto ...	Sheo Ram ...	Ganga Ram ...	Officiating Field Kanungo	Passed in papers 1, 2, 3 and 4, and subject to re examination in 5.
69	Ditto ...	Chanda Singh ...	Bagel Singh ...	Ditto ...	Passed in paper 5, and *completes the examination.*
70	Ditto ...	Kishan Chand ...	Gurbaksh Rai ...	Field Kanungo ...	*Passed in all subjects.*

Serial No.	District.	Name.	Father's Name.	Designation.	REMARKS.
71	Delhi ...	Anwar-ud-din ...	Zia-ud-din Khan ...	...	Passed in paper 4, subject to re-examination in 1, 2, 3 and 5.
72	Karnál ...	Hardyal Singh ...	Mian Singh ...	Field Kanungo ...	Passed in papers 2, 3, 4 and 5, completes the examination.
73	Ditto ...	Lachhmi Das, B.A. ...	Kahn Chand, Chawla ...	Kanungo ...	Passed in papers 1, 2 and 3 and subject to re-examination in 4 and
74	Ditto ...	Muhammad Naim ...	Haji Muhammad Khan	Field Kanungo ...	*Passed in all subjects.*
75	Ditto ...	Sher Ahmad Khan ...	Haji Ghulam Muhammad Khan.	Ditto ...	Passed in papers 2, 3, 4 and 5, completes the examination.
76	Ditto ...	Bishan Singh, B.A. ...	Bagh Singh ...	...	Passed in papers 1, 2 and 3, and subject to re-examination in 4 and
77	Ditto ...	Abdul Wahid ...	Sandeh Shah ...	Field Kanungo ...	*Passed in all subjects.*
78	Ditto ...	Hari Singh ...	Teja Singh ...	Ditto ...	*Ditto.*
79	Gujránwála ...	Niranjan Singh, B. A.,	Sawan Singh ...	Ditto ...	Passed in papers 4 and 5, and completes the examination.
80	Ditto ...	Abdus Slam ...	Ghulam Muhammad ...	Ditto ...	*Passed in all subjects.*
81	Gurdáspur ...	Dhian Singh ...	Fateh Singh ...	...	Passed in papers 2, 3, and 5, and completes the examination.
82	Shahpur ...	Ram Chand II ...	Harjallu Mal ...	Field Kanungo ...	Passed in papers 4 and 5, and completes the examination.
83	Attock ...	Sham Sher Singh ...	Budh Singh ...	Sadr Kanungo ...	*Passed in all subjects.*
84	Hazára ...	J. C. Singha ...	S. C. Singha ...	...	Passed in paper 5, and completes the examination.

North-West Frontier Province Candidates.

Serial No.	District.	Name.	Father's Name.	Designation.	REMARKS.
85	Peshawar ...	Muhammad Usaf Khan	Muhammad Ali Khan ...	...	Passed in papers 1, 2, 3 and 5, and completes the examination.
86	Ditto ...	Khanan Khan ...	Farid Khan ...	...	Passed in papers 4 and 5, and completes the examination.
87	Ditto ...	Muhammad Usman ...	Muhammad Sadiq Khan	...	Passed in paper 4, and subject to re-examination in 1, 2, 3 and 5.
88	Ditto ...	Bali Ram ...	Hans Raj ...	Muharrir ...	*Passed in all subjects.*
89	Ditto ...	Muhammad Hasham Khan.	Azad Khan ...	...	Passed in papers 4 and 5, and subject to re-examination in 1, 2 and 3
90	Ditto ...	Muhammad Fazl Rasul	Ghulam Ahmad Khan ...	Clerk, Revenue Commissioner's office.	Passed in paper 2, and completes the examination.
91	Ditto ...	Muhammad Umar ...	Ilahi Bakhsh ...	Officiating District Kanungo	Passed in papers 4 and 5, and subject to re-examination in 2 and 3
92	Ditto ...	Maqbul Ahmad ...	Muhammad Yunas ...	Excise Darogha ...	Passed in papers 1, 4 and 5, and subject to re-examination in 2 and 3.
93	Bannu ...	Sham Lal ...	Gopal Das ...	Clerk, District Judge's Court	*Passed in all subjects.*
94	Ditto ...	Abdul Hamid ...	Ghulam Mohi-ud-din ...	Head Clerk, Settlement Office.	Passed in papers 2 and 3, and completes the examination.
95	Hazára ...	Guldip Chand ...	Bhawani Das ...	District Kanungo ...	Passed in paper 1, subject to re-examination in 2 and 3.
96	Dera Ismail Khan.	Muhammad Jehangir Khan.	Muhammad Ayaz Khan	...	*Passed in all subjects.*
97	Ditto	Hamid Khan ...	Abdullah Khan Saddozai.	...	Passed in papers 4 and 5, and subject to re-examination in 1.
98	Ditto	Faiz Muhammad ...	Allah Bakhsh ...	Officiating Excise Darogha	Passed in papers 1, 4 and 5, and subject to re-examination in 2 and 3.
99	Kohát ...	Muhammad Hayat Khan.	Ata Muhammad Khan	...	Passed in papers 1 and 5, and completes the examination.
100	Ditto ...	Muhammad Panah ...	Muhammad Hayat ...	Excise Darogha ...	Passed in paper 1, and subject to re-examination in 2, 3, 4 and 5.

By order,

R. C. BOLSTER,

Junior Secretary to the Financial Commissioner, Punjab.

The 14th January 1908.

No. 13.—*Notification.*—The following amendments to the rules contained in chapter II, part II, of the rules under the Punjab Land Revenue Act, 1887, which the Financial Commissioner proposes to make under section 28 of the said Act, having received the sanction of the Local Government, are published for general information in accordance with the provisions of section 156 of the said Act.

The draft will be taken into consideration by the Financial Commissioner on or about the 1st March 1908, when any objections and suggestions which may be submitted to the Financial Commissioner before that date will be considered :—

Proposed amendments.

(1) Omit the word "Financial" in the 4th line of revenue rule 165 (*ii*).

(2) Omit the word "Financial" in the 6th line of revenue rule 169.

No. 14.—*Notification.*—The following amendments to the rules contained in chapter X, part II, of the rules under the Punjab Land Revenue Act, 1887, which the Financial Commissioner proposes to make under section 59 (2) of the said Act, having received the sanction of the Local Government, are published for general information in accordance with the provisions of section 156 of the said Act.

The draft will be taken into consideration by the Financial Commissioner on or about the 1st March 1908, when any objections and suggestions which may be submitted to the Financial Commissioner before that date will be considered.

Proposed amendments.

In land revenue rule 218 (*i*) omit the words "with the sanction of the Local Government," and add at the end of the rule "provided that the annual reduction of the demand shall not, without the sanction of the Local Government, exceed Rs. 1,000."

In land revenue rule 218 (*ii*) for the words "Local Government" substitute the words "Financial Commissioner."

By order,

E. R. ABBOTT,

Senior Secretary to the Financial Commissioner, Punjab

IRRIGATION DEPARTMENT, PUNJAB.

NOTIFICATION.

The 13th January 1908.

No. 198 *E. I.*—*Retirement.*—Mr. W. R. Turner, Sub-Engineer, 1st grade, and Honorary Assistant Engineer, attached to the Karnál Division, Western Jumna Canal, has been permitted to retire from the service of Government, under article 464 of the Civil Service Regulations, with effect from the forenoon of the 6th November 1907.

E. H. PARGITER,

Chief Engineer, Irrigation Works, Punjab.

EDUCATION DEPARTMENT.

NOTIFICATIONS.

The 3rd January 1908.

No. 41.—*Transfers.*—The following transfers are made in the interest of public service :—

(1) Lala Sita Ram, Drawing Master, Mayo School of Art, Lahore, in the grade of Rs. 70, is transferred to the Government High School, Rewári, in the same capacity.

(2) Mian Ghulam Hussain, Drawing Master, Government High School, Rewári, in the grade of Rs. 45, is transferred to the Mayo School of Art, Lahore, *vice* Lala Sita Ram.

The 8th January 1908.

No. 191.—*Notification.*—In supersession of Educational Department notifications Nos. 5874 and 5875, dated the 6th December 1907, M. Muhammad Abdullah, B.A., is appointed to the Government High School, Lyallpur, on Rs. 50 per mensem, *vice* M. Muhammad Din, on leave. The transfer of Lala Maya Das, Science Master, Government High School, Multán, to the Lyallpur School, is hereby cancelled.

The 11th January 1908.

No. 292.—*Appointment.*—M. Ghulam Muhi-ud-din is appointed Oriental Teacher of the Model School attached to the Normal School, Pesháwar, on Rs. 25 per mensem, *vice* Muhammad Aftab, resigned.

No. 294.—*Confirmation.*—M. Ghulam Mustafa, Drawing Master, Government High School, Gurdáspur, is confirmed in his post, with effect from the 5th June 1907.

No. 300.—*Appointment.*—M. Muhammad Ibrahim is appointed Gymnastic Instructor, Normal School, Pesháwar, on Rs. 18 per mensem, as a temporary arrangement, *vice* M. Sandhe Khan, resigned.

J. C. GODLEY,

Offg. Director of Public Instruction, Punjab.

CIVIL VETERINARY DEPARTMENT, PUNJAB.

NOTIFICATIONS.

The 10th January 1908.

No. 79.—*Promotion.*—Notification No. 2814, dated the 28th February 1907, promoting 2nd grade Veterinary Assistant Muhammad Abdullah to the 1st grade, is hereby cancelled.

No. 80.—*Promotion.*—Notification No. 92, dated the 18th April 1907, promoting 2nd grade Veterinary Assistant Muhammad Ashfaq to the 1st grade, is hereby cancelled.

No. 81.—*Promotion.*—Notification No. 93, dated the 18th April 1907, promoting 2nd grade Veterinary Assistant Ghulam Qadir I to the 1st grade, is hereby cancelled.

No. 82.—*Promotion.*—Notification No. 94, dated the 18th April 1907, promoting 2nd grade Veterinary Assistant Sham Singh to the 1st grade, is hereby cancelled.

No. 83.—*Transfer.*—Third grade (reserve) Veterinary Assistant Gajjan Singh is transferred from Hoshiárpur to Gujránwála.

No. 84.—*Transfer.*—Third grade Veterinary Assistant Nand Singh is transferred from Ambála to Alipur, district Muzaffargarh.

No. 85.—*Leave.*—Second grade Veterinary Assistant Abdul Ghani of Alipur is granted 2 months' privilege leave from the 29th December 1907.

No. 86.—*Leave.*—Second grade Veterinary Assistant Hazara Singh of Jagraon was granted 5 days' privilege leave from the 11th December 1907.

No. 87.—*Leave.*—First grade Veterinary Assistant Muhammad Fazil of Ráwalpindi (tonga line) is granted 1 month's privilege leave from the 3rd January 1908.

No. 88.—*Discharge.*—The services of 3rd grade Veterinary Assistant Gurbakhsh Singh II are dispensed with, with effect from the 8th January 1908.

No. 89.—*Leave.*—First grade Veterinary Assistant Ghulam Hassan of Simla is granted 30 days' privilege leave from the 2nd January 1908.

G. K. WALKER, CAPTAIN,

Chief Superintendent, Civil Veterinary Department, Punjab.

MEDICAL DEPARTMENT.

NOTIFICATIONS.

The 11th January 1908.

No. 256.—*Promotion.*—First grade Assistant Surgeon Kidar Nath, at present attached to the Civil Hospital, Jullundur, is promoted to the senior grade, with effect from the 16th October 1907, in terms of Government of India, Home Department, resolution No. 1141-1150, dated 22nd August 1898.

No. 258.—*Promotion.*—First grade Assistant Surgeon Har Narayan, at present attached to the Gurgaon dispensary, is promoted to the senior grade, with effect from this date, in terms of Government of India, Home Department, resolution No. 1141-1150, dated 22nd August 1898.

No. 294.—*Promotion.*—The undermentioned Hospital Assistants, of the 2nd grade, are promoted to the 1st grade, with effect from the date of this notification:—

No. 374 Lal Din.

No. 383 Harnam Singh.

No. 387 Guru Das.

No. 296.—*Promotion.*—The following 1st grade Hospital Assistants are promoted to the senior grade, with effect from the date of this notification:—

No. 293 Imam-ud-din.

No. 317 Daulat Khan.

No. 285 Bishambar Nath.

No. 331 Ghasita Mal.

The 13th January 1908.

No. 305.—*Notification.*—Fourth grade Hospital Assistant No. 787 Daulat Rai, on general duty at Jhang, was placed on plague duty, in that district, on the afternoon of the 10th December 1907, *vice* 2nd grade Hospital Assistant No. 458 Ram Tikaya, who was placed on general duty at Jhang, from the same date.

No. 306.—*Notification.*—Under dispensary rule VI, the Inspector-General of Civil Hospitals, Punjab, sanctions the opening of a 3rd grade dispensary, class A (2), at Athárán Hazári, in the Jhang district.

No. 307.—*Appointment.*—Second grade Hospital Assistant No. 458 Ram Tikaya, on general duty at Jhang, was appointed to the charge of the Athárán Hazári dispensary, in that district, which he joined on the forenoon of the 15th December 1907.

No. 308.—*Notification.*—On being relieved of the charge of the Sángla dispensary, Gujránwála district, 2nd grade Hospital Assistant No. 646 Jit Singh was placed on general duty at Ráwalpindi, on the forenoon of the 21st December 1907.

No. 309.—*Notification.*—On return from the leave granted to him in *Punjab Gazette*, Medical Department, notification No. 7137, dated 27th November 1907, 4th grade Hospital Assistant No. 754 Salig Ram resumed charge of his duties at the Police and Jail Hospitals, Hissar, on the forenoon of the 15th December 1907, relieving 4th grade Hospital Assistant No. 779 Mul Chand, who was placed on general duty at Hissar, on the same date.

No. 310.—*Transfer.*—The following exchange of appointments was made in the Delhi district, in the interests of the public service:—

Senior Hospital Assistant No. 274 Waryam Singh, from the civil hospital, Delhi, to the Mahrauli dispensary, which he joined on the forenoon of the 17th December 1907.

Third grade Hospital Assistant No. 470 Liakat Hussain, from the Mahrauli dispensary, to the civil hospital, Delhi, which he joined on the afternoon of the 18th December 1907.

No. 311.—*Notification.*—On return from the leave granted to him in *Punjab Gazette*, Medical Department, notification No. 6207, dated 17th October 1907, 3rd grade Hospital Assistant No. 614 Ghulam Muhammad was placed on general duty at Jullundur, on the forenoon of the 24th December 1907.

No. 312.—*Notification.*—On being relieved of the charge of the Hánsi dispensary, Hissar district, 3rd grade Hospital Assistant No. 430 Dasaundhi Khan was appointed to the Sutlej bridge works dispensary, Phillaur, North-Western Railway, Jullundur district, from the forenoon of the 19th December 1907.

No. 313.—*Transfer.*—Second grade Hospital Assistant No. 464 Nanak Chand, from the Central jail hospital, Montgomery, to the North-Western Railway, Sahāranpur section, which he joined on the afternoon of the 18th December 1907, relieving 2nd grade Hospital Assistant No. 437 Har Bhagwan Das.

No. 314.—*Notification.*—On being relieved of the temporary charge of the civil hospital, Siálkot, temporary Assistant Surgeon Chandu Lal was transferred to the Ambála district, for plague duty, which he joined on the forenoon of the 7th December 1907.

No. 315.—*Transfer.*—Temporary Assistant Surgeon Nand Lal, on plague duty in the Ambála district, to the Rohtak district, for plague duty, which he joined on the forenoon of the 20th December 1907.

No. 316.—*Leave.*—Assistant Surgeon Bepin Chandra Das Gupta, in medical charge of Junior Secretariat Establishments of the Government of India, Simla, having obtained privilege leave for three months, was relieved of his duties on the afternoon of the 24th December 1907, by Military Assistant Surgeon J. Maher, Junior Secretariat Establishment of the Government of India, who holds charge in addition to his own duties.

The 14th January 1908.

No. 350.—*Appointment.*—On appointment on plague duty in the Punjab, retired Military Assistant Surgeon E. E. Davis, was posted to Jullundur, where he reported himself on the forenoon of the 1st December 1907.

No. 350½.—*Appointment.*—On appointment on plague duty in the Punjab, retired Military Assistant Surgeon W. B. Davenhill was posted to Ludhiána, where he reported himself on the forenoon of the 3rd December 1907.

No. 351.—*Transfer.*—Retired Military Assistant Surgeon E. E. Davis, from Jullundur to Lyallpur, for plague duty, where he reported himself on the forenoon of the 13th November 1907.

No. 352.—*Leave.*—Third grade Hospital Assistant No. 597, Nasir-ud-din, late of the Punjab Provincial Establishment of Hospital Assistants, and while attached to the Chenab Canal dispensary, Bahlak, Lyallpur district, obtained leave without pay, from the afternoon of the 16th May 1907, to the afternoon of the 31st May 1907.

No. 353.—*Erratum.*—In *Punjab Gazette*, Medical Department, notification No. 4643, dated 26th July 1907, regarding the appointment of 3rd grade Hospital Assistant No. 605 Diwan Chand to the additional charge of the Canal dispensary, Bahlak, Lyallpur district, *for* "from the 8th June 1907, to the 4th July 1907, both days inclusive," *read* "from the afternoon of the 8th June 1907, to the forenoon of the 5th July 1907."

No. 354.—*Erratum.*—In *Punjab Gazette*, Medical Department, notification No. 6667, dated 11th November 1907, permitting 3rd grade Hospital Assistant No. 597 Nasir-ud-din to resign the service *for* "from the 8th June 1907," *read* "from the afternoon of the 8th June 1907."

T. E. L. BATE, COLONEL,

Inspector-General of Civil Hospitals, Punjab.

PANJAB PUBLIC LIBRARY.

VII—MEETING, 1907.

Proceedings at a meeting of the Committee held on Monday, the 23rd December 1907, at 5 P. M.

PRESENT.

1. The Hon'ble Mr. Justice P. C. Chatterji, M. A., B. L., Rai Bahadur, C.I.E., *President.*
2. G. A. Wathen, Esq., M.A.
3. Rai Sahib Bishen Das.
4. Rai Sahib Kunj Behari Thapar, *Secretary.*

I.—*Accounts.*—Abstract of Accounts for November 1907 was laid on the table.

II.—*Purchase of books.*—A list of books proposed for purchase drawn up by the Secretary was discussed and, with some omissions and additions, passed. The suggestions regarding the purchase of books made by the visitors to the Library in the suggestion books were also considered.

III.—The following announcements were made :—

NEW LIFE MEMBERS.

G. A. Wathen, Esq., M.A., I.E.S., Rs. 50.
Bodh Raj Sawhney, Esq., Bar.-at-Law, Rs. 50.

NEW ANNUAL SUBSCRIBERS.

A. S. Hemmy, Esq., B.A., M. Sc.
Syad Ghulam Husain Shah, M.A.
Revd. F. Lawrence.
A. Raynor, Esq.
Lala Hargobind.
A. R. Astbury, Esq.

LAHORE :
The 24th November 1907.

K. B. THAPAR,
Secretary.

The Annual Tournament of Normal Schools of the Punjab and the North-West Frontier Province.

GENERAL RULES.

1. An Annual Tournament, open to all Normal Schools in the Province, shall be held at Lahore about the end of January of each year. The Tournament shall include contests in Cricket, Football, Gymnastics and Athletics.

2. The Tournament shall be open to all *bonâ fide* students of the Normal Schools.

NOTE.—A *bonâ fide* student is one who has attended not less than 75 per cent. of the possible school attendances for the four months immediately preceding the month in which the Tournament begins and whose name has been sent in by the Head Master of his school in the prescribed form.

3. The Tournament shall be conducted under the general supervision of a Managing Committee composed as follows :—

(*i*) The Principal, Central Training College, Lahore, President.
(*ii*) The Inspector of Schools, Lahore Circle, or his representative.
(*iii*) A member nominated by the Director of Public Instruction, Punjab.
(*iv*) The Head Masters of all Normal Schools in the Punjab, or their representatives (if present). The Head Master, Lahore Normal School, shall be Secretary of the Committee *ex-officio.*

4. The exact date of the commencement of the Tournament will be fixed by a notice issued by the Director of Public Instruction, Punjab, about the beginning of January in every year, whereupon such of the Managing Committee as are in Lahore shall meet to make preliminary arrangements for the Tournament.

5. Each Normal School shall send in a team for Cricket or Football or for both, and selected men for Gymnastics and Athletic sports in charge of its Gymnastic Instructor and one member of the school staff, who will be responsible throughout the Tournament for the good conduct and discipline of the men in his charge.

The maximum number of competitors to be sent in by a school shall be 15, or in case of schools competing for all the three contests, not more than 20.

NOTE.—Accommodation will be provided for out-station teams, but every school must make its own arrangements as regards bedding, food, etc. The travelling expenses of competitors and of the masters accompanying them shall be paid by the schools concerned.

6. The Head Masters of Normal Schools shall send to the Secretary of the Managing Committee, at least 12 days before the beginning of the Tournament, a list of competitors (see rule 5 per cent.) in the form of the following statement :—

No.	Names of competitors.	Total number of possible school attendances during the month referred to in rule 2.	Actual attendances during the period.	Percentage.	REMARKS.

I hereby certify that the above competitors are *bond fide* students of this school as defined in the note to rule 2.

7. A regular account of the income and expenditure in connection with the general expenses of the Tournament shall be kept by the Secretary and submitted to the Managing Committee on the last day of the Tournament.

8. Each competing team shall bring its own Cricket and Football gear, and Cricket ball of English manufacture only shall be allowed in the matches.

9. The Managing Committee shall make arrangements for the proper conduct of the matches, including the appointment of umpires ; and to it shall belong the settlement of all matters not covered by the laws of Cricket and Football. Matters requiring urgent and immediate attention may be referred for decision to the President or, in his absence, the member nominated by the Director of Public Instruction.

10. The champion school of the Cricket or the Football Tournament shall be the school which does not lose a match.

11. The competition in Gymnastics and Athletic sports shall be adjudged by awarding marks for each feat or event, for which only 2 entries shall be allowed from each school.

12. No marks will be given for the *Tug-of-War*, which shall be contested by squads of 10 competitors from each school.

13. In deciding the champion school in Gymnastics and Athletics only events for which marks are given shall be counted, and the school which has obtained the highest aggregate shall be deemed the champion.

14. Prizes of the undermentioned value shall be awarded in the Tournament :—

THE CRICKET TOURNAMENT.

	Rs. A. P.
1. For the highest individual score	4 0 0
2. For the 2nd score	2 0 0
3. For the 3rd score	1 0 0
4. For the best bowling	4 0 0
5. For the 2nd bowling	2 0 0
6. For the 3rd bowling	1 0 0
7. For the captain of the winning team	4 0 0
8. Other ten members of the winning team	20 0 0
9. For the captain of the 2nd team	2 0 0
10. For the other members of the 2nd team...	10 0 0
11. For the captain of the 3rd team	1 0 0
12. For the other members of the 3rd team	5 0 0
Total	56 0 0

THE FOOTBALL TOURNAMENT.

	Rs. A. P.
1. Captain of the winning team	4 0 0
2. Other ten members of the winning team	20 0 0
3. Captain of the 2nd team	2 0 0
4. Other ten members of the 2nd team	10 0 0
5. Captain of the 3rd team	1 0 0
6. Other ten members of the 3rd team	5 0 0
Total ...	42 0 0

THE ATHLETICS TOURNAMENT.

No.	Name of event	Maximum marks.	First prize. Rs. A. P.	Second prize. Rs. A. P.	Third prize. Rs. A. P.	Fourth prize. Rs. A. P.
1.	Throwing the Cricket ball ...	20	3 0 0	2 0 0	1 0 0	0 8 0
2.	Hundred yards' Flat Race	20	2 8 0	1 8 0	1 0 0	0 8 0
3.	Long Jump ...	20	2 8 0	1 8 0	1 0 0	0 8 0
4.	High Jump ...	20	2 8 0	1 8 0	1 0 0	0 8 0
5.	Pole Jump ...	20	2 8 0	1 8 0	1 0 0	0 8 0
6.	Putting the Shot ...	20	2 8 0	1 8 0	1 0 0	0 8 0
7.	Half Mile Race ...	20	4 0 0	3 0 0	2 0 0	1 0 0
8.	Gymnastic Instructors' contest.	20	8 0 0	6 0 0	4 0 0	2 0 0
9.	Exercises on Parallel Bars...	30	3 0 0	2 0 0	1 0 0	0 8 0
10.	Exercise on Horizontal Bar...	30	3 0 0	2 0 0	1 0 0	0 8 0
11.	Tug-of-War (a team of ten competitors from each school)	...	10 0 0	5 0 0	2 8 0	...
12.	Desi Kasrat (a team of ten competitors from each school.)	...	10 0 0	5 0 0	2 8 0	...
			5[illegible] 8 0	32 8 0	19 0 0	7 0 0
	Total	...	...	...	112 0 0	
	GRAND TOTAL	...	...	...	210 0 0	

H. T. KNOWLTON,

President.

Miscellaneous Notices and Advertisements.

PUNJAB GAZETTE.

PUBLISHER'S NOTICE.

PUBLIC OFFICERS who are allowed to use the *Punjab Government Gazette* for the publication of their official Notifications are requested to take notice that Friday is the publishing day, and that matter intended to appear in the Gazette should always be forwarded so as to reach the Press not later than noon of the preceding Wednesday. Matter received at a later period will be kept over until the following week. To ensure their publication, all lengthy Notifications and Notifications containing tabular work should be sent on the preceding Tuesday.

Complaints regarding non-receipt of any number of the Gazette should be forwarded not later than a week after the day on which it is due.

All communications should be addressed to the SUPERINTENDENT, PUNJAB GOVERNMENT PRESS, LAHORE.

Notice.

THE following rates of subscription will be charged for the *Punjab Government Gazette* from the 1st of October 1901:—

	Yearly.	Half-yearly.	Quarterly.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
(a) Complete copy of Gazette and Supplement	15 8 0	8 0 0	4 0 0
(b) Parts I., I A., I B., III., and Supplement, or any one of them (Government Notifications, Local Self-Government matters, Notifications by Commissioners, Notifications by Financial Commissioner and other Heads of Departments).	10 0 0	5 0 0	2 8 0
(c) Parts I., I A., I B., II and III., without Supplement (Government Notifications, Local Self-Government matters, Notifications by Commissioners, Republications from *Gazette of India*, Notifications by Financial Commissioner and other Heads of Departments).	10 0 0	5 0 0	2 8 0
(d) Part IV. (Government of India Acts and Bills)	4 8 0	2 4 0	1 2 0
(e) Part V. (Local Government Acts and Bills; Proceedings of the Legislative Council).	1 0 0	0 8 0	0 4 0

For a single copy of the English Gazette and Supplement, Re. 0-8-0.

For a single copy of any other Part, Re. 0-2-0.

By order of Government all subscriptions must be paid *in advance* and may be paid annually, half-yearly or quarterly before the 1st January, 1st April, 1st July and 1st October.

Postage stamps will not be accepted in payment of cost of Advertisements, &c.

The following rates are charged for non-official advertisements published in the *Punjab Government Gazette* in English:—

	PER INSERTION FOR		
	Three months.	*Four months.*	*Six months and upwards.*
	Rs. A. P.	Rs. A. P.	Rs. A. P.
One page	16 0 0	19 0 0	24 0 0
One column	9 0 0	13 0 0	21 0 0
Half column	5 0 0	7 0 0	11 0 0

Per Line.

For first four insertions ... ... 3 annas per line each insertion.
For subsequent insertions ... ... 2½ annas per line each insertion.

SITA RAM,
Superintendent, Punjab Government Press.

Maps for sale.

THE last quarterly list of maps relating to the Punjab available for sale at the Map Record and Issue Office, Calcutta, will be found in the Gazette of the 3rd of January 1908, Part III, page 14.

Notice.

ALL *official* applications for copies of the Civil List and History of Services of Gazetted Officers should be made to the Registrar, Punjab Civil Secretariat, Lahore.

Applications for the purchase of copies of these publications should be addressed to the Superintendent, Government Press, Lahore.

SITA RAM,

Superintendent, Punjab Government Press.

Advertisement.

THE questions (English) set at past Competitive Examinations of candidates for the post of Munsif can be obtained, on application, at the office of the Chief Court, Lahore, at the following prices:—

1. A complete set of question papers from 1889 to 1894, inclusive—Rs. 5 per set.

2. A complete set of question papers from 1889 to 1893, inclusive—Rs. 4 per set.

3. A complete set of question papers from 1895 to 1896—Rs. 3 per set.

4. A set of question papers for any one year at Rs. 2 per set.

If cash is not sent with the application, the question papers will be forwarded by Value Payable Post.

Notice.

COPIES in Urdu of the Government of India Resolution regarding the principles to be observed in granting suspensions and remissions of land revenue can be obtained from the Mufid-i-'Am Press, Lahore, at one anna per copy.

W. BURR-BRYAN,

Registrar, Punjab Civil Secretariat.

EXAMINATION PAPERS.

(a).—Departmental Examination.

THE questions (English and Vernacular) set at past Departmental Examinations of Assistant and Extra Assistant Commissioners, Cantonment Magistrates, &c., can be obtained on payment in cash, or by Value Payable Post, from the Superintendent, Punjab Government Press, Lahore, at the following prices :—

Vol. containing question papers from April 1890 to April 1892, inclusive—Rs. 5 per copy.
Ditto ditto Octr. 1892 to Octr. 1893, inclusive—Rs. 3 per copy.
Vol. containing questions set at the Examinations held in April and Octr. 1894—Rs. 4 per copy.

Ditto	ditto	ditto	ditto	ditto	1895—Rs. 4 per copy.
Ditto	ditto	ditto	ditto	ditto	1896—Rs. 4 per copy.
Ditto	ditto	ditto	ditto	ditto	1898—Rs. 4 per copy.
Ditto	ditto	ditto	ditto	ditto	1899—Rs. 4 per copy.
Ditto	ditto	ditto	ditto	ditto	1900—Rs. 4 per copy.
Ditto	ditto	ditto	ditto	ditto	1901—Rs. 4 per copy.
Ditto	ditto	ditto	ditto	ditto	1902—Rs. 4 per copy.
Ditto	ditto	ditto	ditto	ditto	1903—Rs. 4 per copy.
Ditto	ditto	ditto	ditto	ditto	1904—Rs. 4 per copy.
Ditto	ditto	ditto	ditto	ditto	1905—Rs. 4 per copy.
Ditto	ditto	ditto	ditto	ditto	1906—Rs. 4 per copy.

(b).—Cantonment Magistrates (Preliminary).

The questions set at the Preliminary Examinations of Cantonment Magistrates to be obtained at the following prices :—

Vol. containing question papers from April 1890 to October 1894—Rs. 2 per copy.
Ditto ditto October 1895 to October 1897—Re. 1-8-0 per copy.
Vol. containing questions set at the Examination held in April 1898—Re. 1 per set.

Ditto	ditto	ditto	Octr. 1901—Re. 1 per set.
Ditto	ditto	ditto	Octr. 1902—Re. 1 per set.
Ditto	ditto	ditto	April and Octr. 1904—Rs. 2 per copy.
Ditto	ditto	ditto	ditto 1905—Rs. 2 per copy.
Ditto	ditto	ditto	Octr. 1906—Re. 1 per set.

(c).—Political Probationers.

Volume containing questions set at the Examination of Military Officers selected for employment in the Political Department of the Government of India and attached to the Punjab as Supernumerary Assistant Commissioners held in October 1898 can be obtained at Rs. 2 per copy.

Ditto	ditto	held in April and October	1899—Rs. 4 per copy.
Ditto	ditto	ditto ditto	1900—Rs. 4 per copy.
Ditto	ditto	held in October 1901—Rs. 2 per copy.	
Ditto	ditto	held in April and October	1902—Rs. 4 per copy.
Ditto	ditto	ditto ditto	1903—Rs. 4 per copy.
Ditto	ditto	ditto ditto	1904—Rs. 4 per copy.
Ditto	ditto	ditto ditto	1905—Rs. 4 per copy.
Ditto	ditto	ditto ditto	1906—Rs. 4 per copy.

(d).—Competitive Examination.

The questions (English) set at past Competitive Examinations of candidates for the post of Extra Assistant Commissioner by competition can be obtained at the following prices :—

Volume containing questions set at the Examinations held in 1895, 1896, 1897 and 1898—Rs. 4 per copy.

Ditto	ditto	ditto	ditto	1899—Rs. 2 per copy.
Ditto	ditto	ditto	ditto	1900—Rs. 2 per copy.
Ditto	ditto	ditto	ditto	1901—Rs. 2 per copy.
Ditto	ditto	ditto	ditto	1902—Rs. 2 per copy.
Ditto	ditto	ditto	ditto	1903—Rs. 2 per copy.
Ditto	ditto	ditto	ditto	1904—Rs. 2 per copy.
Ditto	ditto	ditto	ditto	1905—Rs. 2 per copy.
Ditto	ditto	ditto	ditto	1906—Rs. 2 per copy.

(e).—Examination of Canal Officers.

The questions (English) set at the Examination of Canal Officers for Magisterial Powers can be obtained at the following prices :—

Volume containing questions set at the Examination held in 1900—As. 8 per set.

Ditto	ditto	ditto	ditto	1901—As. 8 per set.
Ditto	ditto	ditto	ditto	1902—As. 8 per set.
Ditto	ditto	ditto	ditto	1903—As. 8 per set.
Ditto	ditto	ditto	ditto	1904—As. 8 per set.
Ditto	ditto	ditto	ditto	1905—As. 8 per set.
Ditto	ditto	ditto	ditto	1900—As. 8 per set.

(f).—Pashtu.

Volume containing questions set at the Higher Standard Examination in Pashtu from 1895 to 1899 can be obtained on payment of Re. 1-8-0 per copy.

Applications should be addressed to the Superintendent, Punjab Government Press, Lahore.

SITA RAM,
Superintendent, Punjab Government Press.

PUNJAB GOVERNMENT PUBLICATIONS FOR SALE.

[A General Catalogue of Punjab Government Publications can be obtained gratis from the Punjab Government Press, Lahore.]

LIST OF AGENTS.

MESSRS. THACKER, SPINK & CO., Calcutta and Simla.
MESSRS. NEWMAN & CO., Calcutta.
MESSRS. R. CAMBRAY & CO., CALCUTTA.
MESSRS. THACKER & CO., Bombay.
MESSRS. HIGGINBOTHAM & CO., Madras.
MESSRS. V. KALYANARAM IYER & CO., 189, Esplanade Row, Madras.
MESSRS. G. A. NATESON & CO., Madras.
SUPERINTENDENT, American Baptist Mission Press, Rangoon.
RAI SAHIB MUNSHI GULAB SINGH AND SONS, Mufid-i-'Am Press, Lahore.
MANAGER, Punjab Law Book Depôt, Anárkali Bazár, Lahore.
MANAGER, "The Aryan Printing, Publishing and General Trading Company, Limited," Lahore.
MESSRS. S. MUMTAZ ALI AND SON, Rifah-i-'Am Steam Press, Lahore (for Vernacular publications only).
MESSRS. A. CHAND & CO., Imperial Book Depôt Office, Delhi.

The following are available at the Mufid-i-'Am Press, Lahore, or can be obtained by application to any of the above-mentioned Agents :—

(The prices quoted are exclusive of packing and postage charges.)

LIST OF BOOKS PUBLISHED IN THE CURRENT QUARTER.

No.	Name of work.	Price per copy. Rs.	A.	P.
1	Punjab Agricultural Department Report, 1906-07 ...	0	3	0
2	Punjab Co-Operative Credit Societies Report, 1906-07	0	4	0
3	Punjab Municipal Report, 1906-07 ...	1	14	0
4	Punjab District Boards Report, 1906-07 ...	0	7	0

LIST OF BOOKS PUBLISHED FROM 1ST JULY TO 31ST DECEMBER 1907.

No.	Name of work.	Price per copy. Rs.	A.	P.
1	Punjab Jails Report, 1906 ...	1	8	0
2	Punjab Dispensary Report, 1906 ...	0	10	0
3	Punjab Sanitary Report, 1906 ...	0	12	0
4	Delhi Reformatory School Report, 1906 ...	0	2	0
5	Monograph on Carpet-making in the Punjab, 1905-06	0	12	0
6	Punjab Vaccination Report, 1906-07 ...	0	8	0
7	Chenab Colony Gazetteer, Part A., 1904 ...	4	8	0
8	Punjab Excise Report, 1906-07 ...	0	14	0
9	Punjab Veterinary College Report, 1906-07 ...	0	5	0
10	Punjab Police Report, 1906 ...	0	7	0
11	Punjab External Trade Report, 1906-07 ...	0	7	0
12	Punjab Income Tax Report, 1906-07 ...	0	5	0
13	Punjab Famine Code, 1906, in Urdu ...	0	10	0
14	Punjab Civil Justice Report, 1906 ...	0	6	0
15	Punjab Crminal Justice Report, 1906 ...	0	8	0
16	Punjab Season and Crops Report, 1906-07 ...	0	9	0

GOVERNMENT PUBLICATIONS FOR SALE

BY THE SUPERINTENDENT OF GOVERNMENT PRINTING INDIA
8, HASTINGS STREET, CALCUTTA.

[A General Catalogue of all Government Publications may be obtained gratis from the Government Central Press, Calcutta.]

[The amounts within parentheses are for packing and postage.]

LIST OF BOOKS PUBLISHED FROM APRIL TO DECEMBER 1907.

LEGISLATIVE DEPARTMENT.

General Statutory Rules and Orders made under Enactments in force in British India. Vol. II. Edition 1907. R5 or 7s. 6d. (12a.)

List No. 1 of 1907, dated 1st July 1907, of Addenda and Corrigenda to General Rules and Orders. Royal 8vo. Stitched. 3p. (1a.)

General Statutory Rules and Orders made under Enactments in force in British India. Vol. III. Edition 1907. Royal 8vo. Cloth. R3 or 7s. 6d. (9a.)

Act XV of 1856. The Hindu Widows' Remarriage Act in Hindi and Urdu. 6p. (1a.) each.

The Legal Practitioners Act, 1853 (Act XX of 1853), as modified up to the 1st September 1907. Royal 8vo. Stitched. 1a. 9p. (1a.)

The Legal Practitioners Act, 1846 (Act No. I of 1846), as modified up to the 1st October 1907. Royal 8vo. Stitched. 2a. (1a.)

A Digest of Indian Law Cases containing High Court Reports and Privy Council Reports of appeals from India, 1905, with an Index of Cases, by C. E. Grey, B.A., (Oxon) 1907. Cloth. Royal 8vo. R5 or 7s. 6d. (6a.)

The Bombay Code, Vol. I, 3rd Edition 1907. Cloth Royal 8vo. Rs. 4 or 6s. (8a.)

Act XI of 1876.—Presidency Banks Act as modified up to 1st March 1906. In Urdu. 3a. 9p. (1a. 6p.). In Hindi. 3a. 6p. (1a. 6p.)

Act V of 1907. Local Authorities Loan Amendment Act. In Urdu. 3p. (1a). In Hindi. 3p. (1a.)

Act XIII of 1889. Cantonments as modified up to 1st October 1907. In Urdu. 3a. (1a. 6p.)

The Press and Registration of Books Act, 1867 (Act XXV of 1867), as modified up to 1st October 1907. Royal 8vo. Stitched. 5a. (1a.)

The Opium Act, 1878 (Act I of 1878), as modified up to the 1st October 1907. Royal 8vo. Stitched. 5a. 6p. (1a.)

Act No. XVI of 1879 (Transport of Salt) as modified up to 1st October 1907. 1a. 6p. (1a.)

Notice.

THE Committee of the Punjab Public Library will be grateful for any gifts of books made by gentlemen about to leave the province on retirement or long leave, and others who desire to present books to a public institution where they will be made available to the public.

LAHORE:
The 18th June 1907.

K. B. THAPAR,
Secretary, Punjab Public Library, Lahore.

[19994-f.a.]

Notice.

THE Lahore Central Jail undertakes orders for Carpets. Large numbers of Hearth Rugs of various sizes and of Oriental designs are at present in stock for sale.

For detailed price list apply to the—

LAHORE:
The 13th June 1905.

SUPERINTENDENT,
Central Jail, Lahore.

[3184-f.a.]

Lahore Central Jail.

CAN executed orders in—

Lithographic printing of all descriptions.

Binding in all its branches.

Castor oil, refined, burning and lubricating—rates will be quoted on enquiry.

Castor oil, medicinal, cold drawn, at Rs. 8-12-0 per dozen quart bottles, packing and freight extra.

Chicks, bamboo, fine quality, painted yellow, with blue newar binding, fringe at the bottom and eyelets and tags to tie up, at Re. 0-2-6 per square foot.

Chicks, bamboo, medium quality, binding, &c., similar to the fine chicks, at Re. 0-1-6 per square foot.

Chicks, bamboo, coarse, for verandahs, strongly bound at Re. 0-1-6 per square foot.

Durries, plain, small size, or bedside shuttranjees at Rs. 1-8-0 per square yard.

Treasury bags—

Cotton, to hold	Rs. 1,000,	at Re. 0-12-0	each.
Do.,	" 500,	" 0-8-0	"
Hemp,	" 1,000,	" 0-6-0	"
Do.,	" 500,	" 0-4-0	"

Pottery, glazed and rough, at various rates according to sample.

Saleetas for tents at 6 annas per square yard.

Pillow cases of various designs. Quotations on receipt of samples.

Rope, cotton, for punkhas, tents, &c., at Rs. 29 per maund.

Quinine, packets of 102·7 grains powders, at Rs. 1-9-0 each.

Munj durries, plain, at Re. 0-12-0 per square yard.

Munj durries, coloured, at Re. 1 per square yard.

Door mats made of munj at 3 annas per square foot.

Horse wisps at 6 annas each.

Repairs to carpets undertaken.

Prices are liable to fluctuation according to the rise or fall in the price of raw material and the rates for similar articles ruling in the market.

Apply to the—

SUPERINTENDENT,

Central Jail, Lahore.

[1172-*i-f.-o.*]

Notice.

COPIES of the abridged edition of the Land Revenue Policy of the Government of India may be obtained from the Mufid-i-'Am Press, Lahore, at three annas per copy in English and at two annas and six pies per copy in Urdu.

W. BURR-BRYAN,

Registrar, Punjab Civil Secretariat, Lahore.

[134-*i.-f.-o.*]

Cinchona Febrifuge.

CINCHONA Febrifuge can be purchased for cash only by Government officers and the general public from the Superintendent, Royal Botanic Garden, Calcutta.

The rates for Government officers are :—

		Post free.
	Rs. A. P.	Rs. A. P.
16 oz. tin ...	7 8 0	8 0 0
8 " ...	3 12 0	4 2 0
4 " ...	1 14 0	2 2 0

The rates for the general public taking 5 lbs. and upwards at a time are the same as for Government officers. For any quantity below 5 lbs. the rates are :—

		Post free.
	Rs. A. P.	Rs. A. P.
16 oz. tin ...	9 0 0	9 8 0
8 " ...	4 8 0	4 14 0
4 " ...	2 4 0	2 8 0

Cinchona Febrifuge is sold also by the principal druggists in Calcutta.

[486-*i.-f.-o.*]

Sulphate of Quinine and Sulphate of Cinchonidine manufactured at the Bengal Government Cinchona Plantation.

THESE articles are guaranteed to be free from wilful admixture with other Cinchona alkaloids. Quinine is for sale only to Government officers. Cinchonidine is for sale to Government officers and to dealers. Both Quinine and Cinchonidine are for sale for cash only and may be obtained from the Superintendent, Royal Botanic Garden, Sibpur, near Calcutta.

The rates from 1st April 1907 are as follows :—

TO GOVERNMENT OFFICERS.

		Post free.
	Rs. A. P.	Rs. A. P.
Quinine, 16 oz. tin ...	15 0 0	15 8 0
" 8 " " ...	7 8 0	7 14 0
" 4 " " ...	3 12 0	4 2 0
Cinchonidine, 16 oz. tin	11 4 0	11 12 0
" 8 " "	5 10 0	6 0 0
" 4 " "	2 13 0	3 5 0

TO DEALERS.

		Post free.
	Rs. A. P.	Rs. A. P.
Cinchonidine, 16 oz. tin	16 0 0	16 8 0
" 8 " "	8 0 0	8 6 0
" 4 " "	4 0 0	4 6 0

[487-*i.-f.-o.*]

Supply and Transport Corps.

NOTICE No. 64.

SEALED tenders for contracts will be received and opened at Quetta by the Divisional Contract Officer, IV (Quetta) Division, at 12 noon on the dates noted against each article as specified below.

2. Forms of tenders and schedules and all further particulars can be obtained on application to the—

(1) Divisional Contract Officer, Quetta,

(2) Station Supply Officer, Karachi,

(3) Warrant Officer in charge Supply Depôt, Hyderabad,

up to 2 o'clock P. M. on the dates previous to the receipt of tenders, Sundays and holidays excepted.

3. No tenders will be received except on forms obtainable from the above officers. A fee of Re. 1 will be charged for each set of tender form issued.

Tenders will be opened at Quetta by the Divisional Contract Officer, 4th (Quetta) Division.

Particulars.	Maximum requirements.	Where required.	Period. From	Period. To	Earnest money.	Date of opening tenders.
	lbs.				Rs.	
Beef	12,00,000	Quetta ...	1st April 1908.	31st March 1909.	2,900	6th February 1908.
Mutton	4,00,000					
Beef	4,80,000	Karachi ...			1,300	
Mutton	1,62,000					
Beef	2,35,000	Hyderabad (Sind).			600	
Mutton	80,000					
Hospital bottled Beer and Porter ...	As provided for in the schedules.	Quetta ... Karachi ... Hyderabad ...			25 25 25	
Oil of sorts	Ditto	Quetta ...			40	
Miscellaneous articles for repairs, &c., of equipments of different arms of services.	Ditto	Ditto ...			30	
Shoes and nails for mules, bullocks and ponies	Ditto	Ditto ... Karachi ...			30 25	
Cooking utensils	Ditto	Quetta ... Karachi ...			25 25	
	Scores					
Fowls	200	Quetta ...			200	
Chickens	500					
Eggs	3,800					
Materials for repair of gear of carts, &c. ...	As provided for in the schedule.	Ditto ...			300	
	lbs.					
Charcoal	50,000	Ditto ...			25	
Bullock and mule gear	As provided for in the schedule.	Ditto ... Karachi ...			150 180	
Salt for men and animals	Ditto	Quetta ...			160	

F. W. HALLOWES, MAJOR,

Divisional Contract Officer, IV (Quetta) Division.

[19½-3.]

Supply and Transport Corps.

NOTICE No. 65.

SEALED tenders for contracts will be received and opened at Karachi by the Divisional Contract Officer, IV (Quetta) Division, at 12 noon on the dates noted against each article as specified below.

2. Forms of tenders and schedules and all further particulars can be obtained on application to the—

(1) Divisional Contract Officer, Quetta,

(2) Station Supply Officer, Karachi,

(3) Warrant Officer, Supply Depôt, Hyderabad,

up to 2 o'clock P.M. on the dates previous to the receipt of tenders: Sundays and holidays excepted.

3. No tenders will be received except on forms obtainable from the above officers. A fee of rupee one will be charged for each set of tender form issued.

Particulars.	Stations where required.	Maximum requirements.	Earnest money.	Period.		Date of opening tenders.
				From.	To.	
		lbs.	Rs.			
Potatoes	Karachi ...	458,000	500	1st April 1908.	31st March 1909.	18th February 1908.
	Hyderabad ...	300,000	300			
Boat tonnage for conveyance of stores	Karachi ...	As provided for in the schedule.	500			
		lbs.				
Linseed	Karachi ...	9,000	25			
	Hyderabad ...	15,000	40			
Provisions for native troops ...	Karachi ...	As provided for in the schedule.	300			
Oil of sorts...	Karachi ...		35			
	Hyderabad ...		25			
Materials for repairs of gear of carts, &c.	Karachi ...		170			
Char coal	Karachi ...	23,500	25			
	Hyderabad ...	9,500	25			
Miscellaneous articles for repairs, &c., of equipments of different arms of services.	Karachi ...	As provided for in the schedule.	30			
	Hyderabad ...		25			

F. W. HALLOWES, *Major*,

Divisional Contract Officer, IV (Quetta) Division.

[195.]

Notice.

THE undermentioned monuments in the Abbott-abad cemetery having fallen into disrepair it is equested that any person who is willing to restore either of them will communicate with the Chaplain, Abbott-abad:—

(1) James Robert Douglas, Infant son of Lieutenant J. P. W. Campbell, 47th Regiment, Bengal, Native Infantry, who departed this life on the 23rd July 1856.

(2) To the memory of Captain W. W. Repton, 56th Regiment, Native Infantry, who departed this life on the 5th September 1853, aged 31.

[20-2.]

ORDER UNDER SECTION 351 OF THE CIVIL PROCEDURE CODE DECLARING A PERSON TO BE AN INSOLVENT (RULE I).

In the Insolvent Estates Court at Amritsar.

Case No. 51 *of* 1907.

IN THE MATTER OF THE INSOLVENCY OF MUSSAMMAT JANO, DAUGHTER OF LAS JOO, RESIDING AT AMRITSAR.

WHEREAS upon inquiry made upon the application of Mussammat Jano, dated the 25th October 1907, the court is satisfied that the statements contained in the application are substantially true, and that the said Mussammat Jano, judgment-debtor, has not committed any act of bad faith within the meaning of section 351 of the Code of Civil Procedure:

It is ordered that the said Mussammat Jano, judgment debtor, be, and she hereby is, declared insolvent.

Dated this 11th day of January 1908.

CHUNI LAL,

Judge.

[121-1.]

PROCLAMATION OF ADJUDICATION OF INSOLVENCY FOR GAZETTE (FORM No IX)

In the Insolvent Estates Court of Delhi.

Case No. 1 *of* 1907.

WHEREAS Lalman Das and Sohan Lal have been adjudicated insolvent by this court and notice is hereby given that the 21st day of February 1908 has been fixed for the meeting of the creditors and the hearing of the case.

The schedule of the insolvent is open for inspection daily in the office of this court.

All parties having claims against the said Lalman Das and Sohan Lal are warned to apply for registration of their claims on or before the date fixed. (Rule XII of rules framed under section 31 of Act IV of 1872).

Given under my hand and the seal of this court this 10th January 1908.

TASADDUQ HUSSAIN,

Judge.

[122-1.]

ORDER UNDER SECTION 351, CIVIL PROCEDURE CODE.

In the Court of the Small Causes of Delhi.

INSOLVENCY JURISDICTION.

Case No. 20 *of* 1907.

IN THE MATTER OF THE INSOLVENCY OF GANGA BISHAN, SON OF MUNNA LAL, RESIDENT OF DELHI, PAHARGUNJ.

WHEREAS upon inquiry made upon the application of Ganga Bishan, dated the 16th July 1907, the court is satisfied that the statements contained in the application are substantially true, and that the said Ganga Bishan, judgment-debtor, has not committed any act of bad faith within the meaning of section 351 of the Code of Civil Procedure:

It is ordered that the said Ganga Bishan, judgment-debtor, be, and he hereby is, declared insolvent.

Dated this 6th day of January 1908.

TASADDUQ HUSSAIN,

Judge,

[96 1.]

ORDNANUE NOTICE.

SEALED tenders will be received by the undersigned up to 12 noon standard time on Saturday, the 8th February 1908 for the supply of Petty Stores to the Ferozepore Arsenal during the year 1908-09.

2. Some of the principal items are detailed below:—

Acids, Cordage, Gunny in piece and bags, Kerosine, Linseed and Mustard Oils, Paper, Tape, Bamboos, Dosootie, Tent components and Sheep's wool.

3. Full particulars regarding the terms of contract, printed forms of tenders and Schedule of stores required, can be had from the Arsenal on payment of Re. 1 per set.

4. Tenders will be issued to recognised contractors of the Ordnance Department, Northern Circle, and well known and reliable firms only.

FEROZEPORE ARSENAL, *The 7th January* 1908. } M. CAMPBELL, *Major, R.A.*, *Ordnance Officer in Charge,*

[95-2.]

Notice.

Vide notice printed at page 1193, *Part III, Punjab Gazette of* 1906.

THE word "Handwriting" has been registered as the abbreviated telegraphic address of C. R., Hardless, Esquire, the Government Expert in Handwriting, Calcutta, with effect from the 1st January 1908, and will be included in the Indian Telegraphic Guide for January 1908.

SIMLA, *The 21st December* 1907. } A. B. BARNARD, *Deputy Director, Criminal Intelligence.*

[97-1.]

Punjab Government Press, Lahore—17-1-08—920.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JANUARY 24, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 18, 1908.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 13th January 1908.

No. 2704-I.—His Excellency the Grand Master of the Most Exalted Order of the Star of India and the Most Eminent Order of the Indian Empire will hold an Investiture of both Orders in the grounds of Government House on Tuesday, the 28th January 1908, at 9-30 P.M.

His Excellency the Viceroy and Governor General will also present Kaisar-i-Hind Medals of the First Class.

Admission to Government House on the occasion will be by tickets only.

Members of the above-mentioned Orders and members of the Consular body will be invited by the Secretary in the Foreign Department and Kaisar-i-Hind Medalists of the First Class will be invited by the Secretary in the Home Department. All other persons (children excepted) desirous of attending are requested to apply for tickets to the undersigned giving particulars as to their profession or occupation and address, not later than the 20th January 1908, *after which date no applications will be received.* Tickets will be issued on or after the 23rd January 1908.

Applications for tickets should have the word "Investiture" written on the outside of the envelope.

Dress—

I.—Gentlemen, who are entitled to wear uniform, will appear in *Full Dress.* Military Officers—Review Order, dismounted. Ladies will also appear in Full Dress, but need not wear trains or feathers.

II.—Clergymen being University Graduates and other gentlemen entitled to wear robes or gowns on account of Judicial or Academical office or status and not entitled to wear uniform will appear in such robes or gowns.

III.—Gentlemen not entitled to wear uniform, or robes or gowns, will appear in Evening Dress.

IV.—Indian Gentlemen, who do not appear in the dress prescribed above, will wear Choga, Aba or Jubba and Chapkan, Chilta, Saya or Kaba with trousers and their distinctive National head dress, or the ceremonial dress approved for their class by the Local Government.

V.—In the case of Bengali gentlemen the head dress should be a pugree generally known as Shamla or Mouratta, and not a brimless cap.

VI.—In the case of Burmese gentlemen the head dress should be a white fillet, the hair being dressed in a top knot.

VII.—At the Viceregal Court, only patent leather boots or shoes of an English pattern are allowed to be worn, except in the case of Indian Military Officers who wear the particular style of boot or shoe which forms part of their uniform.

The carriages of those having the Private Entrée will enter the Government House grounds by the South-East gate, set down opposite the Private Entrance in front of the gun, and will be passed out by the South gate.

The carriages of those not having the Private Entrée will enter by the North-East gate, and will be passed out by the North-West gate.

The gates of Government House will be closed at 9-15 P. M., after which no carriage will be allowed into the Government House grounds until the ceremony is over.

By Command,

VICTOR BROOKE, LIEUT.-COLONEL,

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

Calcutta, the 14th January 1908.

No. 71.—Under the provisions of section 5 of the Lower Burma Courts Act, 1900 (VI of 1900), the Governor-General in Council is pleased to appoint Mr. S. M. Robinson, Barrister-at-Law, Government Advocate, Punjab, to officiate as a Judge of the Chief Court, Lower Burma, during the absence on combined leave of the Hon'ble Mr. Justice Ormond, or until further orders.

H. H. RISLEY,

Serectary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 16th January 1908.

No. 12.—Mr. A. J. Wadley, Executive Engineer, 1st grade, Punjab, officiated as a Superintending Engineer from the 7th to the 15th December 1907, both days inclusive.

No. 13.—Mr. L. F. Robertson, Executive Engineer, 1st grade, Punjab, officiated as a Superintending Engineer from the 25th November to the 10th December 1907, both days inclusive.

The 17th January 1908.

No. 14.—Mr. F. W. Schöneman, Executive Engineer, 1st grade, Punjab, is appointed to officiate as a Superintending Engineer with effect from the 2nd January 1908 during the absence on privilege leave of Mr. W. E. T. Bennett.

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

RESOLUTION.

EMIGRATION.

Calcutta, the 14th January 1908.

No. 527-4.—The following telegram, dated 13th January 1908, received from His Excellency the Governor General of Canada is published for general information :—

"Canadian Government have ordered during continuance of present condition of Canadian labour market immigrants shall be prohibited landing unless they come from country of birth or citizenship by continuous journey and on through tickets purchased before starting. Please give publicitp to this order informing Steamship Companies and Newpapers."

W. L. HARVEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 17th January 1908.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 31.—The services of Major F. W. Daniell, 8th Rajputs, are placed at the disposal of the Punjab Government, for employment as an officiating Cantonment Magistrate.

CANTONMENTS.

No. 35.—The following draft of a notification, which it is proposed to issue, in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor General in Council on or after the 22nd Feburary 1908. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor General in Council is pleased to alter the Contonment Code, 1899, to the extent set forth below :—

In section 167, below clause (*p*), after the words "obtained a license" the words "renewable annually" shall be inserted.

FURLOUGH AND LEAVE.

No. 38.—Major W. S. Eardley Howard, Indian Army, Cantonment Magistrates, Department, is granted privilege leave for 2 months and 25 days, combined with furlough for 9 months and 6 days, with effect from the 1st January 1908. Pension service—21st year, commenced 16th March 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—24-1-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JANUARY 31, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JANUARY 25, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Calcutta, the 21st January 1908.

No. 70.—The Honourable Sir Denzil Charles Jelf Ibbetson, K.C.S.I., has obtained permission from His Excellency the Governor-General of India to resign, from the 22nd January 1908, the office of Lieutenant-Governor of the Punjab and its Dependencies. His Excellency is pleased to direct, as a mark of respect due to the character and services of Sir Denzil Charles Jelf Ibbetson, that all the honours and distinction to which he is now entitled as Lieutenant-Governor of the Punjab shall be continued to him from the 22nd January until the date of his embarkation for Europe.

No. 80.—A vacancy having occurred in the office of Lieutenant-Governor of the Punjab and its Dependencies consequent on the resignation of the Honourable Sir Denzil Charles Jelf Ibbetson, K.C.S.I., the Governor-General is pleased, under the authority vested in him by the 29th section of the Act 21 and 22 Vict., cap. 106, and subject to the approbation of His Majesty, to appoint Sir Thomas Gordon Walker, K.C.I.E., C.S.I., of the Indian Civil Service, to be Lieutenant-Governor of the Punjab and its Dependencies as a temporary arrangement until further orders, with effect from the date of his assuming charge of that office.

The 21st January 1908.

No. 85.—The Honourable Sir Denzil Charles Jelf Ibbetson, K.C.S.I., is permitted to resign His Majesty's Indian Civil Service with effect from the 23rd January 1908.

The 24th January 1908.

No. 104.—The Hon'ble Sir Thomas Gordon Walker, K.C.I.E., C.S.I., received charge of the office of Lieutenant-Governor of the Punjab and its Dependencies from the Hon'ble Sir Denzil Charles Jelf Ibbetson, K.C.S.I., on the afternoon of the 22nd January 1908.

SANITARY.

The 21st January 1908.

No. 180.—Lieutenant-Colonel J. T. W. Leslie, I.M.S., Sanitary Commissioner with the Government of India, is granted privilege leave for three months with furlough for seven months in continuation, with effect from the 28th January 1908 or the subsequent date on which he may avail himself of it.

No. 181.—Lieutenant-Colonel C. J. Bamber, I.M.S., Sanitary Commissioner, Punjab, is appointed to officiate as Sanitary Commissioner with the Government of India during the absence on leave of Lieutenant-Colonel J. T. W. Leslie.

ECCLESIASTICAL.

The 24th January 1908.

No. 29.—The Reverend A. L. H. Selwyn, a chaplain on probation, is appointed to be a junior chaplain on the Bengal (Lahore) Ecclesiastical Establishment, with effect from the 21st December 1907.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

FORESTS.

Calcutta, the 24th January 1908.

No. 121-*F.*—427-4.—Mr. R. S. Troup, Imperial Forest Economist at the Imperial Forest Research Institute and College, Dehra Dun, is granted privilege leave for 3 months combined with furlough for 5 months, with effect from the 1st April 1908, or such subsequent date on which he can be relieved.

Mr. A. J Gibson, Deputy Conservator of Forests, Punjab, is temporarily appointed to be Imperial Forest Economist, *vice* Mr. Troup and until further orders.

R. W. CARLYLE,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 24th January 1908.

No. 395-*I.C.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and by section 22 of the Indian Extradition Act, 1903 (XV of 1903) the Governor-General in Council is pleased to direct that the following amendments shall be made in the rules published with the notification of the Government of India in the Foreign Department, No. 1862-I. A., dated the 13th May 1904, as amended by notification No. 1727-I.A., dated the 12th May 1905, namely:—

(1) In Rule 8 and in the heading of the form prescribed thereby, for the word "half-yearly" the words "annually" and "Annual" respectively shall be substituted.

(2) In the footnote to the abovementioned form for the word "half-year" the word "year" shall be substituted.

L. W. DANE,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

TELEGRAPH.

Calcutta, the 22nd January 1908.

No. 793-257.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following amendment shall be made in the rules published with the notification of the Government of India in the Public Works Department, No. 298—Telegraphs, dated the 22nd September 1904, namely:—

In rule 82 for the words "the sender must prepay boat hire . . . . at the sender's risk" *substitute* the words "the boat hire must be paid by the addressee if the sender omits to prepay it."

W. L. HARVEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—31-1-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, FEBRUARY 7, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 1, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Calcutta, the 29th January 1908.

No. 121.—With reference to the Home Department Notification No. 80, dated the 21st January 1908, the Governor-General of India is pleased, under the authority vested in him by the 29th section of the Act 21 and 22 Vict., cap. 106, and with the approbation of His Majesty the King, Emperor of India, to appoint Sir Louis William Dane, K.C.I.E., C.S.I., to be Lieutenant-Governor of the Punjab and its Dependencies, with effect from the date of his assuming charge of that office.

MUNICIPALITIES.

The 31st January 1908.

No. 7.—With reference to proviso (*b*) to section 5, sub-section (2), of the Punjab Municipal Act, 1891 (XX of 1891), the Governor-General in Council is pleased to direct that, notwithstanding the prohibition contained in the said proviso, the number of appointed numbers who are salaried officers of the Government, may, in the case of the Committee of the Simla Municipality, as reconstituted by the Punjab Government notification No. 9 B and C, dated the 4th January 1908, amount to four.

The notification of the Government of India in the Home Department, No. 167, dated the 6th December 1905, is hereby cancelled.

JUDICIAL.

The 31st January 1908.

No. 152.—In exercise of the power conferred by section 138 of the Negotiable Instruments Act, 1881 (XXVI of 1881), the Governor-General in Council is pleased to appoint Lala Sri Krishen Das and Lala Sham Lal to be Notaries Public and to exercise their functions as such within the district of Delhi.

H. H. RISLEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 31st January 1908.

PROMOTIONS.

No. 74.—The following promotions are made, subject to His Majesty's approval:—

* * * * * *

INDIAN MEDICAL SERVICE.

Captains to be Majors.

29th January 1908.

Hugh Ainsworth, M.B.

* * * * * *

VOLUNTEER CORPS.

PROMOTIONS AND RESIGNATIONS.

North-Western Railway Volunteer Rifles.

No. 80.—Captain Francis Villiers Tayler to be Major, *vice* Bean promoted. Dated 3rd December 1907.

Lieutenant Alfred James Chase to be Captain, *vice* Tayler promoted. Dated 3rd December 1907.

Second-Lieutenant George William Meares to be Lieutenant, *vice* Chase promoted. Dated 3rd December 1907.

A. W. L. BAYLY,

Secretary to the Government of India.

DEPARTMENT OF MILITARY SUPPLY.

Fort William, the 31st January 1908.

MEDICAL DEPARTMENT.

No. 6.—An addition* having been made to paragraph 5 of the regulations published in Department of Military Supply Notification No. 16 of 1907, on the subject of study leave to officers of the Indian Medical Service, the paragraph in question will now read as follows:—

"5. The minimum period of leave granted solely as study leave shall be six months. Time spent on the journey to and from India by an officer whose study leave is not combined with any other kind of leave, will reckon as study leave, but the allowance specified in rule 10 will be granted during the period of study only. An officer whose study leave is combined with any other kind of leave will, however, be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover his return journey to India."

*Denoted by a black line in the margin.

G. A. ROBERTSON, *Major,*

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—7-2-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, FEBRUARY 14, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 8, 1908.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 4th February 1908.

No. 349-*M.*—Intelligence having been received of the death of His Majesty the King of Portugal and the Algarves, K.G., and His Royal Highness the Crown Prince of Portugal, K.G., Court mourning is ordered for four weeks from the 3rd February 1908, half mourning commencing from the 17th February 1908.

When attending at the Viceregal Court, Ladies will appear in black until the 16th February and thereafter in half mourning until the 2nd March. Officers in uniform, when attending at the Viceregal Court, will wear a crape band on the left arm throughout the period of Court mourning.

By Command,

VICTOR BROOKE, *Lieut.-Colonel,*

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Calcutta, the 3rd February 1908.

No. 314.—Major E. Wilkinson, I.M.S. (Bengal), Deputy Sanitary Commissioner, Punjab, is appointed to officiate as Sanitary Commissioner, Punjab, during the absence on deputation of Lieutenant-Colonel C. J. Bamber, I.M.S.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 4th February 1908.

No. 21.—Mr. A. D. Lewis, Assistant Engineer, 3rd grade, Punjab, has been permitted, at his own request, to resign the service of Government with effect from the 15th December 1907.

W. A. INGLIS,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 3rd February 1908.

No. 527 *I. C.*—His Excellency the Viceroy and Governor General is pleased to confer upon Thakur Singh, Zaildar of Kasel, in the Punjab, the title of Sardar Sahib, as a personal distinction.

S. H. BUTLER,

Offg. Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

RESOLUTION.

Calcutta, the 5th February 1908.

No. 1194—1198-46.—The Governor General in Council is pleased to sanction, with effect from the 1st April 1908, the following additions to and alterations in the rules for the guidance of depositors in the Post Office Savings Bank published with the resolution of the Government of India in this Department, No. 509, dated the 11th March 1905, a subsequently amended:—

(*a*) *For* the words "close an account........... it was not intended" in the last two lines of rule 2, the following shall be substituted:—

"close accounts or, in the case of accounts opened on behalf of minors, to stop the receipt of further deposits, should he have reason to believe that the accounts are being used for a purpose for which the Savings Bank was not intended."

(*b*) The following shall be added to rule 6:—

"NOTE.—If, through any cause, an account has been opened in contravention of the provisions of this rule, the depositor shall not be entitled to claim interest on the account, and the Comptroller, Post Office, may require him to close it at once."

(*c*) The existing note to rule 26 shall be numbered 1, and the following additional note shall be inserted:—

"NOTE 2.—In the case of withdrawals made from the accounts of female depositors by their authorised agents under rule 19, the agent must sign the following certificate on the application for withdrawal:—'Certified that the depositor is on this day alive and sane'".

(*d*) The following shall be substituted for rule 28:—

"The amount to be withdrawn will be entered in the pass-book and a fresh balance struck, as in the case of a deposit, against the initials of the postmaster and an impression of the date stamp of the office. The

amount will then be paid to the depositor or to the person presenting the pass-book and application, and his receipt taken, in all cases free of stamp duty on the warrant of payment".

(*e*) *For* rule 29 and the note there the following shall be substituted :—

"29 (1) The payment of a withdrawal at a sub post office is subject to the condition that funds are available in the office. If funds are not available, they will be obtained as soon as possible. In such a case the depositor will be informed of the date on which he should come to the post office to receive payment and he will retain his pass-book. The amount will be paid on presentation of the pass-book on the date mentioned or any subsequent date within one week from that date.

"(2) Every application for a withdrawal at a branch post office will be sent to the head or sub office to which the branch office is subordinate, for a warrant of payment. The depositor will be informed of the date on which he should come to the branch office to receive payment and he will retain his pass-book. The amount will be paid on presentation of the pass-book on the date mentioned or any subsequent date within one week from that date.

"(3) Payment at sub and branch offices will be made to the depositor or other person presenting the pass-book under the conditions laid down in rule 26 (2), and his receipt will be taken, in all cases free of stamp duty, on the warrant of payment. The transaction will be entered in the pass-book against the initials of the sub or branch postmaster and an impression of the date stamp of the office.

"NOTE.—In the case of an application to withdraw from (*a*) a minor's account, (*b*) a security deposit account, (*c*) any of the conjoint accounts specified in rule 44, payment cannot, in any circumstances, be made until a warrant of payment is received from the head office".

(*f*) *For* the words "according to the tables appended to these rules, in which all fractions of a pie are discarded" in lines 7 and 8 of rule 30, the words "to the nearest pie" shall be substituted; and the foot-note to that rule, beginning "owing to the facts" and ending "is 9 pie" shall be expunged.

(*g*) In rule 33 for "rule 34" in the last line of clause (1) "rules 34 and 34A" shall be substituted, and the words "even when the sub-office...... .....for ordinary withdrawals" in the last two lines of clause (2) shall be expunged.

(*h*) The following shall be added below rule 34 :—

"NOTE.—In these cases interest (if any is payable) on deposits subject to six months' notice of withdrawal will be calculated at the higher rate allowed on such deposits".

(*i*) Below rule 34A the following shall be added :—

"NOTE.—The note below rule 34 applies also to this rule".

(*j*) The following shall be added to the note below rule 37 :—

"In these cases interest on deposits subject to six months' notice of withdrawal will be calculated at the higher rate allowed on such deposits".

(*k*) In rule 42, clause (*k*), for the words "twelve consecutive months" in line 1, the words "a calendar month" shall be substituted, and in place of the amount "Rs. 2,000" in the second line "Rs. 1,000" shall be entered.

(*l*) In rule 44, clause (*e*), for the words "twelve consecutive months" in the second line, the words "a calendar month" shall be substituted, and the amount "Rs. 2,000" in the third line shall be altered to "Rs. 1,000".

(*m*) In rule 45, clause (*c*), the words "and either at call or subject to six months' notice of withdrawal" shall be expunged, and the words "deposits in security deposit accounts are allowed only at call" shall be substituted.

2. The interest tables Nos. I and II for deposits at call, and deposits subject to six months' notice of withdrawal appended to the rules shall be cancelled.

Order.—Ordered that a copy of the Resolution be forwarded to the Finance Department, the Director General of the Post Office of India, the Comptroller and Auditor General and the Comptroller, Post Office.

Ordered also that the Resolution be published in the *Gazette of India.*

W. L. HARVEY,
Secretary to the Government of India.

DEPARTMENT OF MILITARY SUPPLY.

Fort William, the 7th February 1908.

MEDICAL DEPARTMENT.

[Department of Military Supply Gazette notification No. 6 of 31st January 1908 is republished as under.]

No. 9.—An addition* having been made to paragraph 5 of the regulations published in Department of Military Supply notification No. 16 of 1907, on the subject of study leave to officers of the Indian Medical Service, the paragraph in question will now read as follows :—

"5. The minimum period of leave granted solely as study leave shall be six months. Time spent on the journey to and from India by an officer whose study leave is not combined with any other kind of leave, will reckon as study leave, but the allowance specified in rule 10 will be granted during the period of study only. An officer whose study leave is combined with any other kind of leave will, however, be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover his return journey to India."

*Denoted by a black line in the margin.

G. A. ROBERTSON, MAJOR,

Offg. Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 31st January 1908.

No. 11.—The services of 1st class Assistant Surgeon Charles William Ernest Kerr, Indian Subordinate Medical Department, are placed at the disposal of the Punjab Government, for civil employment in that Province with effect from the 17th September 1907.

BRUCE SETON, MAJOR, I.M.S.,

for *Director-General, Indian Medical Service.*

FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA, FEBRUARY 8, 1908.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCIAL EXHIBITIONS.

THE GRAND EXHIBITION OF JAPAN TO BE HELD AT TOKYO IN 1912.

RESOLUTION.

No. 1375—1395-1, Calcutta, the 7th February 1908.

The following papers relative to the Grand Exhibition of Japan to be held at Tokyo in 1912 are published for general information.

The general regulations which have heretofore been adopted for the Grand Exhibition of Japan to be held in Tokyo in 1912 are as follows :—(The location of different exhibition buildings and allotment of space, as well as the rules and regulations for exhibits will be communicated as soon as they are finally decided upon).

The Grand Exhibition of Japan will be opened on the first day of April 1912, and will be closed on the 31st day of October of that year.

The location of the Exhibition will be the Aoyama Parade Ground in the city of Tokyo, 1st, 2nd and 3rd blocks of Kitamachi, Aoyama of the said city about three quarters of the Imperial Estate of Yoyogi, Toyotama district, Tokyo Prefecture, and that portion of the lot, connecting the said Parade Ground and the Imperial Estate, along which the formerly called Kobu Railway rules.

The entire site of the Exhibition will comprise about 292 acres (about 350,000 Tsubos).

All foreign Governments and peoples are invited to participate in this exhibition. For the instalment of foreign exhibits, belonging to the five different departments of Education, Science, Machinery, Electricity, and manufactured Goods, space will be allotted in the exhibition buildings erected by the Administration Office of the Grand Exhibition of Japan. For exhibits other than those above designated, any nation may erect a separate building at its own expense. No charge will be made for space allotted for such building.

Any nation may, if it so desires, exhibit articles belonging to the aforesaid five departments and also other articles not coming under these headings in the building erected by such nation at its own expense. No charge will be made for space allotted for such building.

All articles which shall be imported from foreign countries for the sole purpose of exhibition, and not used for commercial purposes in this country, and all materials for the buildings of foreign Governments, or special exhibition buildings and decorations thereof, will be admitted free of duty. It is proposed to make a special arrangement concerning articles which shall be imported from foreign countries for sale at bazars, or things intended for amusement and shows which are liable to customs duty, and a bill to that effect will be introduced in the next session of the Diet.

It is also intended to afford special, protection to all inventions, designs, models of utility and trade marks of foreign exhibits, and a bill to that effect will be introduced in the next session of the Diet.

ORDERED that the foregoing papers be published in the supplement to the *Gazette of India* for general information, and that copies be forwarded to the Local Governments and Administrations named in the margin, for information, and to the Foreign Department, for information and communication to Native States.

The Government of Madras.
" " " Bombay.
" " " Bengal.
" " " the United Provinces.
" " " the Punjab.
" " " Burma.
" " " Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner, Central Provinces.
The Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.
The Chief Commissioner of Coorg.
" " " " Ajmer-Merwara.

Ordered, also, that a copy be forwarded to all Chambers of Commerce for information.

W. L. HARVEY,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, FEBRUARY 21, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 15, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

JAILS.

Calcutta, the 13th February 1908.

No. 64.—The services of Captain W. T. Finlayson, I.M.S., are placed temporarily at the disposal of the Government of the Punjab for employment in the Jail Department.

The 13th February 1908.

ECCLESIASTICAL.

No. 58.—The Reverend H. S. Stephenson, a Chaplain on probation, is appointed to be a Junior Chaplain on the Bengal (Lahore) Ecclesiastical establishment, with effect from the 17th January 1908.

H. H. RISLEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 10th February 1908.

No. 24.—Mr. H. E. Pellereau, Executive Engineer, 1st grade, Punjab, is appointed to officiate as a Superintending Engineer, with effect from the 27th January 1908, during the absence of Mr. H. F. B. Frost on privilege leave.

W. A. INGLIS,

Offg. Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE.

Calcutta, the 11th February 1908.

No. 1432-53.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following shall be substituted for rule 104 of the rules published with notification No. 1429-C.S.R., dated the 30th March 1899, of the Government of India in the Finance and Commerce Department :—

104. A telegraphic money order shall be redirected to the payee by post, free of charge, on his written request.

W. L. HARVEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 14th February 1908.

PROMOTIONS.

No. 106.—The following promotions are made, subject to His Majesty's approval :—

* * * * * *

INDIAN MEDICAL SERVICE.

Captains to be Majors.

29th January 1908.

* * * * * *

Hugh Ainsworth, M. B.

* * * * * *

VOLUNTEER CORPS.

RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 114.—Lieutenant William Angelo resigns his commission. Dated 4th January 1908.

A. W. L. BAYLY,

Secretary to the Government of India.

THE HON'BLE THE AGENT TO THE GOVERNOR-GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATION.

Peshawar, the 7th February 1908.

No. 17.—The next half-yearly examination in the Pashtu language by the Higher Standard will be held at Peshawar, Dera Ismail Khan, Gilgit, Chitral and Lahore Cantonment on Monday, the 6th April 1908, and following day.

The examination for Tahsildars, Naib Tahsildars and subordinate officers of the Police and Irrigation Departments will be held at Peshawar and Dera Ismail Khan on the 8th April 1908.

By order, &c.,

J. L. MAFFEY,

Assistant Secretary to the Chief Commissioner.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," FEBRUARY 15, 1908.

No. 1578-1598—11.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCIAL EXHIBITION.

THE FRANCO-BRITISH EXHIBITION, LONDON, 1908.

RESOLUTION.

Dated Calcutta, the 4th February 1908.

The following paper relative to the Franco-British Exhibition, London, 1908, is published for general information in continuation of the Resolution No. 10201-10221-11, dated the 6th December 1907, published in the Supplement to the *Gazette of India*, dated the 7th December 1907:—

THE INDIAN SECTION OF THE FRANCO-BRITISH EXHIBITION, 1908.

In order to obtain some part of the funds needed for their undertaking the Executive authorities of the Franco-British Exhibition found it necessary to make a charge for all space occupied in the grounds by Colonial and other buildings. The Indian Executive Committee have secured an area of 20,000 square feet of space, at a cost of £2,000, in close proximity to the French and British Colonial Sections. On this site a special pavilion for the Indian Exhibits is being erected.

In deciding on the general style of the Indian Pavilion the following conditions had to be carefully considered, *viz.* :—

(A) The smallness of the funds at disposal, and the extremely limited time available for its erection.

(B) The provision of the largest amount of well-lighted exhibition space, in a building adapted to the climatic needs of this country.

(C) Compliance with the stringent and necessary regulations of the London County Council and Local Authorities.

The pavilion consists of a large central hall with bays or courts running along the sides, and has a floor area of about 12,000 square feet. It is intended to allot these courts to various groups of Indian raw products, industries and manufactures, as well as to illustrations of the administrative machinery of the Government of India.

The central hall will be largely devoted to the more artistic exhibits received from India.

The total space at the disposal of the Committee is limited, and intending exhibitors are therefore advised to make as early application as possible.

In order to partially defray the heavy cost incurred in the purchase of the site, the erection of the pavilion, and the maintenance of its passages and approaches, the Indian Executive Committee have to make a charge for space, which has been fixed at a minimum of ten shillings per superficial foot of floor area.

Forms of application for space, and all other information regarding the Indian Section of the Franco-British Exhibition, can be obtained *in India* from the Official Agents to the Indian Committee—

MESSRS. KING, KING & CO. ... ... BOMBAY;

MESSRS. KING, HAMILTON & CO. ... ... CALCUTTA;

and their Correspondents—

MESSRS. GORDON, WOODROFFE & CO. ... ... MADRAS; and

MESSRS. A. SCOTT & CO. ... ... RANGOON.

All applications for space in the Indian Section must be addressed to

MR. B. J. ROSE,

Secretary, Indian Executive Sub-Committee,

Franco-British Exhibition,

India Office,

LONDON, S. W.

ORDERED that the foregoing papers be published in the Supplement to the *Gazette of India* for general information, and that copies be forwarded to the Local Governments and Administrations named in the margin, for information, with the request that the papers may be published in the local *Gazette*.

The Secretary to the Government of Madras.
" " " Bombay.
" " " Bengal.
" " " the United Provinces.
" " " the Punjab.
" " " Burma.
" " " Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner, Central Provinces.
The Chief Commissioner of Coorg.

Ordered, also, that a copy be forwarded to the Chief Commissioner of Ajmer-Merwara and the Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province, for information, and to the Foreign Department, for information and communication to Native States.

Ordered, also, that a copy be forwarded to all Chambers of Commerce, for information.

W. L. HARVEY,

Secretary to the Government of India.

Punjab Government Press, Lahore—21-2-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, FEBRUARY 28, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 22, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

EXAMINATIONS.

Calcutta, the 21st February 1908.

No. 70.—The following list shows the names of the selected candidates and the marks obtained by them in each subject in the recent examination for clerkships in the lower division of the Secretariat offices of the Government of India and the departments directly attached thereto:—

No.	Names of candidates in order of merit.	Date of birth.	Date on which the candidate will attain the age of 25 years.	English composition (essay writing and drafting).	Précis-writing.	History (English and Indian).	Geography.	Elementary mathematics.	Short-hand writing (optional).	Total.	Office in which the candidate elects to serve.
				100	100	50	50	50	75	425	
1	Ganeshi Lal, G. S. ..	21st August 1884.	21st August 1909.	38	29	13	12	36	60	188	Any Secretariat Office.
2	Basanta Kumar Basu ..	24th December 1884.	24th December 1909.	66	27	22	30	29	...	174	Any Secretariat Office or offices of the Director-General of Post Office and Director-General of Telegraphs.
3	H. P. Mullick ...	1st January 1884.	1st January 1909.	45	35	25	15	26	25	171	Any Secretariat Office.
3	Theophilus P. N. Pal...	20th October 1884.	20th October 1909.	57	65	11	20	18	...	171	Home, Revenue, Finance and Commerce and Industry Departments.

MEDICAL.

The 15th February 1908.

No. 228.—The services of the undermentioned officers are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty, with effect from the dates noted against their names:—

Captain H. Hallilay, M.B., I.M.S., forenoon of the 14th January 1908.

Captain J. O'Leary, M.B., I.M.S., forenoon of the 17th January 1908.

Captain W. F. Brayne, M.B., I.M.S., forenoon of the 12th January 1908.

Lieutenant W. D. Wright, M.B., I.M.S., afternoon of the 23rd December 1907.

H. H. RISLEY,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 21st February 1908.

LONDON GAZETTE.

No. 119.—The following extracts are published for general information:—

"London Gazette," dated 28th January 1908, *page* 652.

INDIA OFFICE,

January 28, 1908.

The King has approved of the following promotions among officers of the Indian Army, Indian Subordinate Medical Department, and Indian Army Departments, and admissions to the Indian Army:—

INDIAN ARMY.

Captains to be Majors.

Dated 9th November 1907.

* * * * * *

Bernhard Oswald Roe, Supernumerary List.

* * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 124.—Sir Denzil Charles Jelf Ibbetson, K.C.S.I., Honorary Colonel, resigns his appointment. Dated 22nd January 1908.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—28-2-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MARCH 6, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 29, 1908.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 28th January 1908.

No. 29.—The following promotions and reversions are ordered in the superior Accounts Branch:—

Name.	From	To	Nature of promotion or reversion.	With effect from
Mr. C. H. James ...	Deputy Examiner, Class II.	Deputy Examiner, Class I.	Temporary ...	11th January 1908.

W. A. INGLIS,

Offg. Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE.

Calcutta, the 26th February 1908.

No. 2078.—In exercise of the power conferred by section 46 (1) of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that, with effect from the 1st of May 1908, the following rule shall be substituted for rule 114 of the rules published with the notification of the Government of India in the Finance and Commerce Department, No. 1429-C.S.R., dated the 30th March 1899:—

114.—(1) The remitter of a foreign rupee money order shall be entitled to receive free of charge an acknowledgment of the payment of the amount of the order signed by the payee, except in the cases specially notified by the Director General in the Indian Postal Guide.

(2) The remitter of a foreign sterling money order from any post office (except that at Aden) shall, unless the money order is one for which an advice of payment as provided for in sub-rule (3) can be had, be entitled to receive free of charge an intimation from the Indian Post Office of exchange (at Bombay or Madras, as the case may be) that the money order has been communicated to the country of payment.

(3) The remitter of a foreign sterling money order to any of the countries or places specially notified in that behalf by the Director General from time to time in the Indian Postal Guide shall be entitled to receive an advice of its payment from the foreign post office of payment by paying a fee of two annas in addition to the commission chargeable on the money order.

(4) When the remitter of a foreign sterling money order has not paid the fee for an advice at payment and desires to have an enquiry made by the Post Office regarding the disposal of the money order, he shall be entitled to this service on payment of the same fee as that chargeable for an advice of payment.

W. L. HARVEY,
Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 28th February 1908.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 131.—The following promotions are made, consequent on the retirement of Lieutenant-Colonel W. F. C. C. Plowden, with effect from the 6th September 1907 :—

* * * * *

Lieutenant-Colonel R. E. S. Taylor, officiating 2nd grade Cantonment Magistrate, to be 2nd grade Cantonment Magistrate, provisionally, with staff pay at Rs. 600 a month.

* * * * *

Major W. S. Eardley Howard, Assistant Cantonment Magistrate, to be provisional Cantonment Magistrate.

* * * * *

LONDON GAZETTE.

No. 137.—The following extracts are published for general information :—

* * * * * *

"*London Gazette,*" *dated 7th February*, 1908, *pages* 893, 895, 897, 899, *and* 900.

* * * * * *

INDIA OFFICE,

7th February, 1908.

The King has approved of the following promotions of officers of the Indian Army, Indian Subordinate Medical Department and Indian Army Departments and admissions to the Indian Army :—

* * * * * *

INDIAN MEDICAL SUBORDINATE DEPARTMENT.

Senior Assistant Surgeons, with the honorary rank of Lieutenant, to be Senior Assistant Surgeons, with the honorary rank of Captain.

Dated 14th November, 1907.

William Forrester (seconded).

* * * * * *

First Class Assistant Surgeons to be Senior Assistant Surgeons with the rank of Lieutenant.

Dated 14th November, 1907.

Robert James Owen (seconded).

* * * * * *

A. W. L. BAYLY,
Secretary to the Government of India.

Punjab Government Press, Lahore—5-3-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MARCH 13, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED FEBRUARY 29, 1908.

ARMY DEPARTMENT.

Fort William, the 28th February 1908.

RETIREMENTS.

No. 141.—The undermentioned officer has been permitted by the Secretary of State to retire from the service, subject to His Majesty's approval, with effect from the date specified:—

Lieutenant-Colonel John Charles Lamont, M.B., Indian Medical Service, Bengal,—10th March 1908.

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE GAZETTE OF INDIA, DATED MARCH 7, 1908.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 5th March 1908.

No, 38.—Mr. E. H. Pargiter, Chief Engineer, 1st class, and Secretary to the Government of the Punjab, Public Works Department, Irrigation Branch, is permitted to retire from the service of Government with effect from the 9th April 1908 under the provisions of Article 650 of the Civil Service Regulations.

The 6th March 1908.

No. 41.—With reference to Public Works Department Notification No. 24, date the 10th February 1908, Mr. H. E. Pellereau ceased to officiate as a Superintendin Engineer from the afternoon of the 14th February 1908.

No. 42.—Mr. A. J. Wadley, Executive Engineer, 1st grade, Punjab, is appointe to officiate as a Superintending Engineer, with effect from the 12th February 1908, *vi* H. F. B. Frost on privilege leave.

W. A. INGLIS,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 6th March 1908.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 155.—Major W. S. Eardley Howard, provisional Cantonment Magistrate, be substantive Cantonment Magistrate.

* * * * * *

PROMOTIONS.

INDIAN ARMY.

No. 158.—The following promotions are made, subject to His Majesty's ap proval :—

* * * * * *

Captains to be Majors.

1st March 1908.

* * * * * *

Henry Cecil Beadon, Supernumerary List.

* * * * * *

A. W. L. BAYLY,

Secretary to the Government of India

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 26th February 1908.

No. 18.—Second Class Assistant Surgeon F. W. Mathews, Indian Subordinate Medical Department, has been granted six months' leave out of India, with effect from the 2nd February 1908.

BRUCE SETON, MAJOR, I.M.S.,

for *Director-General, Indian Medical Service.*

Punjab Government Press, Lahore—1343-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MARCH 20, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 14, 1908

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Calcutta, the 13th March 1908.

No. 334.—Lieutenant-Colonel F. F. Perry, F.R.C.S., I.M.S. (Bengal), Principal and Professor of Surgery, Medical College, Lahore, is granted furlough out of India for one year three months and 23 days, with effect from the 8th March 1908.

No. 335.—Major D. W. Sutherland, M.D., C.M., I.M.S. (Bengal), Professor of Medicine, Medical College, Lahore, is appointed to officiate as Principal of that college, in addition to his own duties, during the absence on furlough of Lieutenant-Colonel F. F. Perry, F.R.C.S., I.M.S. (Bengal), or until further orders.

No. 336.—Major E. V. Hugo, M.D., F.R.C.S., I.M.S. (Bengal), is appointed to officiate as Professor of Surgery, Medical College, Lahore, during the absence on leave of Lieutenant-Colonel F. F. Perry, F.R.C.S., I.M.S. (Bengal), or until further orders.

JUDICIAL.

The 13th March 1908.

No. 351.—In exercise of the power conferred by section 4 of the Punjab Courts Act, 1884 (XVIII of 1884), the Governor-General in Council is pleased to appoint Mr. H. A. B. Rattigan, Barrister-at-Law, Legal Remembrancer, Punjab, to officiate as a Judge of the Chief Court, Punjab, during the absence on leave of the Hon'ble Mr. F. A. Robertson, or until further orders.

H. H. RISLEY,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Calcutta, the 13th March 1908.

No. 824-15-6.—Captain G. K. Walker, F.R.C.V.S., Chief Superintendent, Civil Veterinary Department, Punjab, is granted, under Articles 260, 233 and 316 of the Civil Service Regulations, privilege leave for 3 months in combination with special leave for 3 months, with effect from the 24th April 1908 or the subsequent date on which he may avail himself of it.

R. W. CARLYLE,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 12th March 1908.

No. 46.—On the expiry of his privilege leave, Mr. M. K. Mitra, Examiner of Accounts, is posted to the office of the Examiner of Public Works Accounts, Punjab. This cancels Public Works Department Notification No. 10, dated 10th January 1908.

No. 47.—Mr. L. S. Deane, Deputy Examiner of Accounts, is transferred from the office of the Examiner, Public Works Accounts, Punjab, to that of the Examiner of Accounts, North-Western Railway.

W. A. INGLIS,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 13th March 1908.

No. 1122 *I.C.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Raja, as a hereditary distinction upon:—

Major Jai Chand, Jagirdar of Lambagraon in the Kangra District of the Punjab.

Jai Singh, Jagirdar of Siba in the Kangra District of the Punjab.

Narindar Chand, C.S.I., Jagirdar of Nadaun in the Kangra District of the Punjab.

Ram Pal, C.S.I., Jagirdar of Kotlehr in the Kangra District of the Punjab.

Gaggan Singh, Jagirdar of Nurpur in the Kangra District of the Punjab.

S. H. BUTLER,

Offg. Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

STAMPS.

NON-JUDICIAL.

Calcutta, the 10th March 1908.

No. 1474-*Exc.*—In exercise of the powers conferred by section 9, clause (*a*), of the Indian Stamp Act, 1899 (II of 1899), the Governor-General in Council is pleased to remit the duty chargeable under Article 53 of Schedule I of the said Act, on receipts for advances exceeding Rs. 20 made by Government under the Agriculturists' Loans Act, 1884 (XII of 1884).

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE.

Calcutta, the 11th March 1908.

No. 2557-96.—In exercise of the powers conferred by the Indian Post Office Act 1898 (VI of 1898), the Governor-General in Council is pleased to direct that, with effect from the 1st May 1908, the following amendment shall be made to rule 66 of the rules published with the Notification of the Government of India in the Finance and Commerce Department No. 1429 C.S.R., dated the 30th March 1899, as subsequently amended :—

For the word "from presented .... this purpose" substitute "article itself".

G. RAINY,

Under-Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 13th March 1908.

CANTONMENTS.

REGULATIONS.

No. 174.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department No 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below :—

In section 167, below clause (*p*), after the words "obtained a license" the words "renewable annually" shall be inserted.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 182.—Tom Salkield to be Second-Lieutenant, *vice* Little promoted. Dated 22nd January 1908.

Second-Lieutenant Norman Somerville Little to be Lieutenant, *vice* Angelo resigned. Dated 21st January 1908.

A. W. L. BAYLY,

Secretary to the Government of India.

THE HON'BLE THE AGENT TO THE GOVERNOR-GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATION.

Peshawar, the 4th March 1908.

No. 22.—On return from the leave granted to him under Notification No. 806-N., dated the 16th August 1906, which was subsequently extended by His Majesty's Secretary of State for India, the services of the Reverend G. A. C. Bell are replaced at the disposal of the Punjab Government with effect from the forenoon of the 5th February 1908.

A. H. GRANT,

Secretary to the Chief Commissioner.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA", DATED MARCH 14, 1908.

No. 2493-2507—15.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

EMIGRATION.

ACT PASSED BY THE TRANSVAAL GOVERNMENT TO PLACE RESTRICTIONS ON IMMIGRATION INTO THE COLONY, TO PROVIDE FOR THE REMOVAL THEREFROM OF PROHIBITED IMMIGRANTS AND OTHER PERSONS AND TO ESTABLISH AND MAINTAIN AN IMMIGRATION DEPARTMENT.

RESOLUTION.

Dated Calcutta, the 11th March 1908.

THE Government of India have received from His Majesty's Secretary of State for India a copy of an Act which has been passed by the Transvaal Government to place restrictions on immigration into the Colony, to provide for the removal therefrom of prohibited immigrants and other persons and to establish and maintain an Immigration Department. The more important provisions of the Act are published for general information.

ACT NO. 15 OF 1907.

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Transvaal as follows:—

Repeal of Ordinance No. 5 of 1903.

1. The Peace Preservation Ordinance 1903 shall be and is hereby repealed; provided that no such repeal shall affect or abridge any powers or jurisdiction by the Asiatic Law Amendment Act 1907 conferred for the purpose of carrying out such Act; but the said Ordinance shall for all the purposes of such Act be deemed to remain of full force and effect.

2. In this Act and in any regulation made thereunder unless inconsistent with the context ;

Interpretation of terms.

"department" shall mean the Immigration Department established and maintained under the provisions of this Act;

"Governor" shall mean the officer for the time being administering the Government of this Colony acting by and with the advice of the Executive Council;

"imprisonment" shall mean imprisonment with or without hard labour as the court sentencing an offender to imprisonment may direct;

"magistrate" shall include a resident magistrate and an assistant resident magistrate of any district of the Colony;

"Minister" shall mean the Colonial Secretary or such other Minister to whom the Governor may from time to time assign the carrying out of this Act;

"minor" shall mean any person under the age of sixteen years;

"police officer" shall mean any member of a police force lawfully established in this Colony;

"prohibited immigrant" shall mean and include any of the following classes of persons desiring to enter or entering this Colony after the date of the taking effect of this Act;

(1) any person who when asked whether within or outside this Colony by a duly authorized officer shall be unable through deficient education to write out (from dictation or otherwise) and sign in the characters of an European language an application for permission to enter this Colony or such other document as such officer may require; provided that for the purposes of this sub-section Yiddish shall be accepted as an European language; provided further that

(a) if the Minister publish a notice in the *Gazette* that arrangements have been made with the Government of any country for regulating the admission to this Colony of the subjects or citizens of such country such subjects or citizens shall not while such notice is in force be required to comply with the provisions of this sub-section;

(b) the Minister shall not issue any such notice unless such arrangements have been sanctioned by resolution of both Houses of Parliament;

(c) any such notice shall cease to have effect as soon as it is cancelled by further notice of the Minister in the *Gazette*;

(2) any person who has not in his possession or at his disposal means to support himself for a reasonable time within this Colony or who is likely to become a public charge if he were allowed to enter therein;

(3) any prostitute or person living on the earnings of prostitution or procuring women for immoral purposes;

(4) any person who at the date of his entering or attempting to enter this Colony is subject or would if he entered this Colony be subject to the provisions of any law in force at such date which might render him liable either at such date or thereafter if found therein to be removed from or to be ordered to leave this Colony whether on conviction of an offence against such law or for failure to comply with its provisions or otherwise in accordance with its provisions; provided that such conviction be not the result of the commission by such person elsewhere than in this Colony of an offence for which he has received a free pardon;

(5) any person who is a lunatic within the meaning of the Lunacy Proclamation 1902 or any amendment thereof;

(6) any person who is a leper or is suffering from such infectious or contagious disease of a loathsome or dangerous character as may from time to time be prescribed by regulations;

(7) any person who owing to information officially received by the Minister from any Secretary of State or from a member of any Colonial government (whether British or foreign) or through diplomatic channels from an officer of any foreign state is deemed by the Minister to be an undesirable;

(8) any person who the Minister has reasonable grounds for believing would be dangerous to the peace order and good government of this Colony if he entered therein;

but shall not include—

(*a*) members of His Majesty's regular forces;

(*b*) the officers and crew of any public ship of a foreign state;

(*c*) any person who is duly accredited to this Colony by or under the authority of His Majesty or of the government of a foreign state together with his wife, family and servants;

(*d*) any person who has served in any of His Majesty's volunteer forces in South Africa and has received a good discharge and who does not come within the scope of sub-sections (3) (4) (5) (6) (7) or (8) of the definition of "prohibited immigrant";

(*e*) the wife or minor child of any person who is not a "prohibited immigrant;"

(*f*) any European person who has been at any time lawfully resident within this Colony and who has not under the provisions of any law been removed from or ordered to leave this Colony;

(*g*) any Asiatic who is eligible for or has obtained a certificate of registration under the Asiatic Law Amendment Act 1907 and who does not come within the scope of sub-sections (3) (4) (5) (6) (7) or (8) of the definition of "prohibited immigrant;"

(*h*) descendants of the aboriginal races of Africa south of the Equator who do not come within the scope of sub-sections (3) (4) (5) (6) (7) or (8) of the definition of "prohibited immigrant;"

(*i*) European persons who are agricultural or domestic servants skilled artizans mechanics workmen or miners who are able to produce a certificate signed by the Agent General of this Colony in England or by an officer in England or elsewhere appointed for the purpose by the Governor to the effect that the person named therein has been engaged to serve immediately on arrival in this Colony an employer therein of repute at an adequate remuneration and for a reasonable period of time; provided that such persons do not come within the scope of any sub-section of the definition of "prohibited immigrant" other than sub-section (2);

"regulation" shall mean any regulation made under section *fifteen* of this Act.

* * * * * *

Penalties for prohibited immigration.

5. Every prohibited immigrant entering into or found within this Colony shall be guilty of an offence and shall be liable on conviction

(1) to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; and

(2) to be removed at any time from the Colony by warrant under the hand of the Minister and pending such removal to be detained in such custody as may by regulation be prescribed; provided that

(*a*) such prohibited immigrant may be discharged from such detention if he find two approved sureties in this Colony (each in the sum of one hundred pounds) for his leaving the Colony within one month;

(*b*) if such prohibited immigrant be sentenced to imprisonment such imprisonment shall terminate as soon as he is removed from the Colony.

6. Any person who

(a) is convicted after the date of the taking effect of this Act of a contravention of sections *three thirteen* or *twenty-one* of the Immorality Ordinance 1903 or any amendment of such sections ; or

Removal from Colony of certain persons convicted under Immorality Ordinance 1903 and of dangerous persons.

(b) is deemed by the Minister on reasonable grounds to be dangerous to the peace order and good government of this Colony if he remain therein ; or

(c) having been ordered under any law to leave this Colony fails to comply with the terms of such order :

may be arrested and removed from this Colony by warrant under the hand of the Minister and pending removal may be detained in such custody as may be prescribed by regulation ; provided that no such person as is in paragraph (b) hereof described shall be removed from this Colony except on the order of the Governor ; provided further that every such person arrested shall be discharged from custody unless an order be made by the Governor for his removal from this Colony within ten days after the date of his arrest.

7. Any person who—

Offences of aiding or being accessory to prohibited immigration.

(1) wilfully aids or abets a prohibited immigrant in entering or remaining in this Colony ; or

(2) wilfully aids or abets a person ordered to be removed under section *six* in remaining in this Colony ; or

(3) enters into or purports to enter into a contract as employed with any person outside this Colony with intent that the provisions of this Act be evaded or at the time of entering into or purporting to enter into such contract shall be unable to fulfil his part thereof or has no reasonable expectation of being so able ; or

(4) uses or attempts to use any certificate issued under paragraph (*i*) of the classes of persons excluded from the definition of "prohibited immigrant" unless he be the lawful holder of such certificate ; or

(5) forges or uses knowing the same to be forged any document purporting to be such certificate

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

8. No prohibited immigrant shall be entitled to obtain a license to carry on in this Colony any trade or calling or to acquire therein any interest in land whether leasehold freehold or other interest ; and any such license (if obtained) or any contract deed or other document by which such interest is acquired in contravention of this section shall on conviction of such immigrant under section *five* of this Act be null and void.

Prohibited immigrant not to obtain a license to carry on trade or calling or acquire interest in land.

9. Every person found in this Colony who is reasonably suspected of being a prohibited immigrant may be arrested without warrant by any magistrate justice of the peace police officer or officer of the department and shall as soon as possible be brought before a court of resident magistrate to be dealt with according to law.

Arrest without warrant of persons suspected of being prohibited immigrants.

10. No prohibited immigrant shall be exempt from the provisions of this Act or allowed to remain in this Colony by reason only that he had not been informed that he could not enter this Colony or that he may have been allowed to enter through oversight or owing to the fact being undiscovered that he was a prohibited immigrant.

Prohibited immigrant not exempt from Act by reason that he was allowed to enter through oversight.

11. Any person ordered to be removed from this Colony under this Act and any other person who shall have been convicted under section *seven* of aiding or abetting him in entering or remaining in the Colony in contravention of this Act shall be liable to pay all expenditure incurred by the Government in carrying out such removal whether from the Colony or South Africa or in the detention within the Colony or elsewhere of any person pending his removal; and the amount of such expenditure on production to the Sheriff of the certificate of an officer of the department stating the items and total amount of such expenditure shall be recovered by execution levied on the property within the Colony of the person so liable in manner provided for execution levied under a Judgment of the Supreme Court; and the proceeds of such execution shall be paid by the Sheriff to the Treasurer who after deduction of the amount of expenditure aforesaid and the costs of execution shall remit the balance to the person so liable or to any person appointed by him to receive same.

Prohibited immigrant, etc., and person assisting him liable to pay expense of his removal and custody.

* * * * * *

13. The burden of proving that a person has not entered or remained in this Colony in contravention of this Act or any regulation shall in any prosecution for such contravention lie upon the accused person.

Evidence.

14. Every court of resident magistrate shall have jurisdiction to impose the maximum penalties for all contraventions of this Act or of any regulation.

Special jurisdiction of resident magistrates.

* * * * * *

16. This Act may be cited for all purposes as the Immigrants Restriction Act, 1907, and shall not take effect unless and until the Governor shall proclaim in the *Gazette* that it is His Majesty's pleasure not to disallow the same and thereafter it shall take effect upon such date as the Governor shall notify by proclamation.

Title and date of taking effect.

The Government of Madras.
" " " Bombay.
" " " Bengal.
" " " the United Provinces.
" " " " Punjab.
" " " Burma.
" " " Eastern Bengal and Assam.
" Hon'ble the Chief Commissioner of the Central Provinces.
" Chief Commissioner of Coorg.
" " " " Ajmer-Merwara.
" Hon'ble the Chief Commissioner of the North-West Frontier Province.
" " " Agent to the Governor-General in Baluchistan.

Ordered that a copy of the Resolution be forwarded, for information and guidance, to the Local Governments and Administrations noted in the margin and to the Home and Foreign Departments, for information.

Ordered also, that it be published in the Supplement to the *Gazette of India.*

M. M. S. GUBBAY,

Under-Secretary to the Government of India.

Punjab Government Press, Lahore—19-3-08—992.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MARCH 27, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 21, 1908.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Calcutta, the 19th March 1908.

No. 296.—Mr. A. E. Hurry is permitted to resign His Majesty's Indian Civil Service with effect from the 1st April 1908, or the subsequent date on which he may sail from India or relinquish charge of office in the event of his not taking subsidiary leave.

H. H. RISLEY,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 18th March 1908.

No. 1202-*I. C.*—The undermentioned officer is granted leave out of India on private affairs, under the leave rules of 1886 for the Indian Army, for eight months reckoning from the date of being struck off duty:—

Captain J. Craik, Indian Army, 19th Lancers (Fane's Horse), Inspecting Officer, Punjab Imperial Service Cavalry.

Pension Service—17th year, commenced on 7th November 1907.

S. H. BUTLER,

Offg. Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE.

Calcutta, the 17th March 1908.

No. 2850-105.—In exercise of the power conferred by section 42 of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that in rule 166 of the rules published with the Notification of the Government of India in the Finance and Commerce Department, No. 1429 C.-S. R., dated the 30th March 1899, for the rate of gratuity "Rs. 1-8 per pound" shown as payable for the conveyance of "Letters and postcards" the reduced rate of "Rs. 1-3 per pound" shall be substituted with effect from the 1st April 1908.

EXPLOSIVES.

The 18th March 1908.

No. 2783-1.—In exercise of the powers conferred by section 5 of the Indian Explosives Act, 1884 (IV of 1884), the Governor-General in Council is pleased to make the following amendment in the rules regulating the manufacture, possession and sale of explosives in British India, published with the notification in this Department, No. 9045-8 (Explosives), dated the 29th November 1906 :—

Amendment.

In sub-clause (VIII) of clause (3) of rule 11, after the words "railway fog-signals" the words "and flare-lights" shall be inserted.

CUSTOMS.

The 19th March 1908.

No. 2940-32.—In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the bringing by sea or by land into British India of any copy, whether heretofore or hereafter issued, of the Arabic newspaper called "Sufvatul Akhbar."

B. ROBERTSON,

Secretary to the Government of India.

RESOLUTION.

POST OFFICE.

The 19th March 1908.

No. 2933—2938-103.—The Governor-General in Council is pleased to sanction the following addition to and alterations in the rules for the guidance of depositors in the Post Office Savings Bank, published with the Resolution of the Government of India in this Department, No. 509, dated the 11th March 1905, as subsequently amended :—

To rule 44, the following shall be added as clause (*d*), and the existing clauses (*d*), (*e*) and (*f*) shall be numbered (*e*), (*f*) and (*g*) respectively :—

"Secretaries of Cantonment Committees are also allowed to open similar accounts on behalf of non-pensionable employes paid from cantonment funds, in accordance with rules which may from time to time be sanctioned by the Government of India."

For the note below clause (*c*) the following shall be substituted and placed below the new clause (*d*) :—

"*Note.*—Nothing in this rule shall be held to prevent any member of any of the above mentioned classes of persons, from whom a conjoint account has been opened, from opening an account of his own, in his individual capacity."

Order—Ordered, that a copy of the Resolution be forwarded to the Finance Department, the Army Department, the Director General of the Post Office of India, the Comptroller and Auditor-General, and the Comptroller, Post Office.

Ordered also, that the Resolution be published in the *Gazette of India.*

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 20th March 1908.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

North-Western Railway Volunteer Rifles.

No. 209.—Lieutenant Arthur Terance Stowell, to be Captain, *vice* Beatson, transferred to the Supernumerary List. Dated 17th February 1908.

Second-Lieutenant John Alexander Gregson, to be Lieutenant, *vice* Anderson, transferred to the Supernumerary List. Dated 17th February 1908.

Second-Lieutenant Augustus Fredric Johnston, to be Lieutenant, *vice* Stowell, promoted. Dated 17th February 1908.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—27-3-08-792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, APRIL 3, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MARCH 28, 1908.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Calcutta, the 23rd March 1908.

No. 314.—Mr. F. Waterfield is permitted to resign His Majesty's Indian Civil Service with effect from the 27th March 1908 or the subsequent date on which he may sail from India or relinquish charge of office in the event of his not taking subsidiary leave.

H. H. RISLEY,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

OPIUM.

Calcutta, the 27th March 1908.

No. 1818-*Exc.*—It is hereby notified that in the calendar year 1908 not more than 15,100 chests of Malwa opium shall be exported.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

TELEGRAPHS

Calcutta, the 24th March 1908.

No. 3136-27.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that with effect from the 1st April 1908, the following amendments shall be made in the rules published with the Notification of the Government of India in the Public Works Department, No. 298 (Telegraphs), dated the 22nd of September 1904, as subsequently amended, namely :—

In Rule 64 for the words "reply-pass" substitute the words "reply telegram form."

In Rules 95, 96, 98, 99, 143 (*d*), 146 (2) (*c*), 272, 273, 274, 339 (*g*) and (*k*), and 346 (2) (*c*) for the word "Pass" wherever it occurs substitute the words "Reply telegram form"

In Rules 146 (2) (*c*) and 346 (2) (*c*) strike out the words "reply-paid."

For Rules 93, 94, 97, 270 and 271, respectively, substitute the following :—

93. At destination the Telegraph Office delivers to the addressee a Reply telegram form which entitles him to send free of charge from any Telegraph or Receiving office in India and within the value of the amount prepaid, a telegram to any destination in India. Two or more Reply telegram forms may be used in payment of one Inland telegram, but one Reply telegram form cannot be used in payment of two or more telegrams.

94. If the reply exceeds the amount notified in Reply telegram form, the difference must be paid in cash or stamps by the sender of the reply (Rule 64). If, on the other hand, the amount notified on the Reply telegram form exceeds that of the Reply, the difference, if it be not less than eight annas, will be refunded to the sender of the original telegram on application to the *Superintendent, Government Telegraph Check Office, Calcutta.* No refund will be given on a Reply telegram form which has been prepaid by another Reply telegram form and not by cash or stamps.

97. Should it be impossible to effect delivery of a Reply paid telegram, the office of destination sends a telegram to that effect and the sender is informed (Rule 87). The Reply telegram form remains attached to the telegram during the period of retention fixed by Rule 90, after which it is sent to the Check Office to await any application for refund of the amount prepaid that may be preferred by the sender according to Rule 146.

270. At the place of destination, the Delivery Office delivers to the Addressee a Reply telegram form which entitles him to send, free of charge, and within the limit of the amount prepaid, a telegram to any destination whatever from any Telegraph Office of the Administration granting the Reply telegram form. Two or more Foreign Reply telegram forms may be used to frank one Foreign telegram, but one Reply telegram form may not be used to frank two or more telegrams.

271. If the reply exceeds the amount notified in the Reply telegram form, the difference must be paid in cash or stamps by the sender of the reply. If, on the other hand, the amount notified in the Reply telegram form exceeds that of the Reply, the difference, if it amounts to ten annas or more, is refunded by the Superintendent, Check Office, Government Telegraph Department, Calcutta, to the sender of the original telegram, if he apply for it. This refund is only made on the authority of the Administration which delivered the original telegram. If the telegram with deposit for reply originated in India, the refund of the unused portion is made to the sender by the Superintendent, Check Office, Government Telegraph Department, Calcutta.

No. 3138-68.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General is pleased to direct that, with effect from 1st April 1908, the following amendments shall be made in the rules published

with the Notification of the Government of India in the Public Works Department, No. 298 (Telegraphs), dated the 22nd of September 1904, and as subsequently amended, namely:—

For the note to Rule 8 the following shall be substituted:—

"*Note*.—Books containing 100 forms for Inland telegrams can be purchased at the principal Government Telegraph offices; price with counterfoils two annas and without counterfoils one anna each."

For Rule 19 the following shall be substituted:—

"*Parts of a telegram*.—The different parts forming an Inland telegram should be written in the following order:—

(*a*) The address (Rules 23-31).

(*b*) The Text.

(*c*) The sender's name (Rule 32)."

For Rule 20 the following shall be substituted:—

"*Special Instructions*.—The sender should write upon the form in the space provided his instructions regarding prepayment of reply, if any. Other instructions regarding delivery at destination, advice of delivery, collation (or repetition), open delivery or delivery only to the Addressee himself, etc., may be written in any blank space at the end of the text of the telegram (but see Rules 116, 118 and 119)."

In Rule 23 the words "and at the sender's option, his own name or designation (or both) and his address" shall be omitted.

For the first sentence of Rule 34 the following shall be substituted:—

"The true signature and address of the sender must always, if they are to be signalled, be written in the space at the foot of the telegram form; if they are not to be signalled, in the space at the back of the form."

For Rule 49 the following shall be substituted:—

"*Preamble*.—Words, numbers and signs added by Telegraph Officials for official purposes are not charged for. The hour and minute (standard time) at which a telegram is booked, when tendered for despatch, are added by the Telegraph Office and transmitted free."

In Rule 75 the words "either by the sender or the booking office" shall be omitted.

In Rules 78, 79 and 82 the words "in the space marked *Official Instructions*" shall be omitted.

For the last sentence of Rule 92 the following shall be substituted:—

"The sender of a reply paid telegram should write the words 'Reply paid' in the space provided on the form (Rules 16 (*d*) and 22)."

In Rules 102, 105 and 112 the words "in the space marked *Official Instructions*" shall be omitted.

For Rule 115 the following shall be substituted:—

"The address of telegrams to be conveyed beyond the telegraph lines should be written as follows:—

(*a*) If the message is to be posted from the nearest Telegraph Office—

To—John Doe, Esqr.,
Shergotty, Post Gya.

(*b*) If the message is to be sent by *Express* Office of origin and Service Instructions—

Calcutta (X.P. *Rs. Two*).

To—John Doe, Esqr.,
Nynan Express Hooghly Point.

The Instructions (Post) or (*X.P. Rs. Two*) are not charged for (Rules 22 and 47)."

In Rule 116 the words "in the space marked official instructions" shall be omitted.

For Rule 118 the following shall be substituted:—

"*Inland telegrams posted from India to Ceylon*.—Inland telegrams to be posted to Ceylon may be addressed to Tuticorin, from which place a daily mail boat leaves for Colombo.

Example.

To—Young

Oriental Hotel

Colombo *Post* Tuticorin.

Text.—Start by first steamer.

From—W. Collins.

The charge for such a telegram is the usual Inland rate according to class, and, as stated in Rule 117, there is no charge for postage. The word *post* is also not charged for (Rules 22 and 47)."

For Rule 119 the following shall be substituted :—

"*Inland telegrams posted from Indian Ports.*—An Inland teleg am telegraphed to an Indian port to be posted under Rule 117 to a place beyond Indian limits must have the name of the port entered in the Address, and the Instructions *Post* or *Post Registered* (Rules 16 (*d*), 20 and 22) before the name of the telegraph office from which to be posted.

Example.

To—Mrs. Johnson

20, Cambridge Terrace

Hyde Park

London, Post Bombay.

Text.—Afraid my letter missed mail. Am quite well.

From—Johnson.

The charge for such a telegram would be the usual Inland rate, according to the class (Urgent, Ordinary or Deferred at sender's choice) *plus* one anna for postage under Rule 117. If the sender desires the message to be registered before being posted, he should insert the Special Instruction Post Registered (or P. R.) before the name of the telegraph office from which to be posted. The charge for postage and registration would then be three annas under Rule 117."

For Rule 126 the following shall be substituted :—

"*Preamble.*—The word *Semaphoric* should be written and signalled after the office of origin, *i.e.*, in the space marked "Service Instructions" on every telegram received from a ship at sea. When it is addressed to a ship at sea this instruction is not inserted."

For the last two sentences of Rule 129 (8) the following shall be substituted :—

"These words and the numbers should be written by the sender at the end of the text of each part."

For the note to paragraph 149 the following shall be substituted : —

"*Note.*—Books containing 100 forms for foreign telegrams can be purchased at the principal Government Telegraph Offices; price with counterfoils two annas and without counterfoils one anna each."

No. 3152-63.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that with effect from the 1st April 1908 the following amendments shall be made in the rules, published with the Notification of the Government of India in the Public Works Department, No. 298 (Telegraphs), dated the 22nd of September 1904, and as subsequently amended, namely :—

For Rule 62 the following shall be substituted : —

"*Charges how paid.*—With the exceptions provided for in Rules 39, 68, 69 and 127, all charges on telegrams must be prepaid in Cash or Postage Stamps. If the class of the telegram is not stated by the Sender, it will be classed and charged for as Deferred (Rule 58).

For Rule 63 the following shall be substituted :—

Postage Stamps.—Postage stamps are of the following values :—

¼ anna.	2 annas.	4 annas.	12 annas.	3 rupees.
½ anna.	2½ annas.	6 annas.	1 rupee.	5 rupees.
1 anna.	3 annas.	8 annas.	2 rupees.	

Service Postage Stamps, *i.e.*, Postage Stamps overprinted with "On H. M. S.," may be used in payment of State telegrams.

For Rule 64 the following shall be substituted :—

Affixing Stamps.—The Stamps must be affixed by the Sender to the telegram form in the space allotted for the purpose, and he should see that the Stamps are defaced by the Counter Clerk with the Name and Date stamp of the Office.

For Rule 65 the following shall be substituted :—

Spoilt or defaced stamps.—Postage stamps which have been obliterated, defaced, torn, cut or otherwise rendered imperfect, or which have any word, letter, figure, or design written, printed or impressed upon them otherwise than by the authority of Government before being affixed, or which have been cut or otherwise separated from embossed envelopes, postcards or wrappers, cannot be recognised in payment of telegrams.

Note.—The perforation of postage stamps with initials or other identifying marks traced in minute holes is not prohibited.

Rule 66 is cancelled.

For Rules 67 the following shall be substituted :—

A receipt containing particulars of the numbers of the telegram and the charges paid will be granted for each telegram tendered for transmission at a Telegraph or Postal Receiving Office.

POST OFFICE.

The 26th March 1908.

No. 3210-107.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following rule shall be substituted for rule 6 of the rules published with the Notification of the Government of India in the Department of Finance and Commerce, No. 1429-C.S.R., dated the 30th March 1899, as subsequently amended :—

6. (1) All *reply* postcards of private manufacture shall display the title "Postcard" on the address side, but this title is not obligatory for *single* cards of private manufacture. Reply halves of reply-paid cards shall bear the words "Postcards" and "Reply". Whatever is printed on the address side of the inland or international official postcards issued by the Post Office is also permissible on the address side of cards of private manufacture.

(*a*) A postcard shall not be folded, cut, or otherwise altered, except that the impressed postage stamp (if any) may be perforated with initials; nor may a postcard be enclosed in a cover of any kind.

(*b*) The right-hand half of the address side of a postcard is in all cases reserved for the address of the recipient, for the postage stamp necessary for prepayment, which should, so far as possible, be affixed in the upper right hand corner, and for postal directions (such as "Registered", "Acknowledgment due", "Stamped", "Local", etc.), but the left-hand half of the address side, as well as the back, may be used by the sender for the purpose of a written communication, or may be otherwise disposed of, subject to the restrictions mentioned in sub-rule (2) of this rule.

Note.—A small space marked off by fine lines or minute dots to indicate the place where the postage stamp should be affixed is allowed on the upper right-hand corner of the address side of postcards.

(2) Nothing shall be attached to a postcard except—

(*a*) Stamps in payment of postage or stamp duty;

(*b*) A gummed label (not to exceed 2 inches (in length) and ¾ inch (in width)), bearing the name and address of the person to whom the card is sent;

(*c*) A similar label, bearing the name and address of the sender of the card; and

(*d*) Engravings, illustrations, drawings and photographs on very thin paper and completely adherent to the card.

The articles specified in paragraphs (*c*) and (*d*) may be affixed either to the back or to the left-hand half of the address side.

(3) The reply halves of reply-paid cards cannot be registered by the original senders of such cards.

EMIGRATION.

The 26th March 1908.

No. 3205-29.—In exercise of the power conferred by clause (*b*) of section 64 of the Indian Emigration Act, 1883 (XXI of 1883), the Governor General in Council is pleased to cancel the entries against "Fiji" in columns 3 and 4 respectively of sub-divisions (*A*) and (*B*) of Schedule F appended to the rules published with the notification of the Government of India in the Department of Revenue and Agriculture, No. 94-E., dated the 18th March 1886, as subsequently amended.

Nos. 3227-3241—106.

RESOLUTIONS.

Calcutta, the 27th March 1908.

THE Government of India have been informed that industrial conditions in the United States of America are unfavourable to British Indian immigrants, and they accordingly request all Local Governments and Administrations to make the above intimation generally known, particularly in places from which emigration to the United States is believed to be general.

The Government of Madras.
" " Bombay.
" " Bengal.
" " the United Provinces.
" " the Punjab.
" " Burma.
" " Eastern Bengal and Assam.
" Honourable the Chief Commissioner of the Central Provinces.
" Chief Commissioner of Coorg.
" " " Ajmer-Merwara.
" Honourable the Chief Commissioner of the North-West Frontier Province.
" Honourable the Agent to the Governor-General in Baluchistan.

ORDERED, that a copy of the above Resolution be forwarded, for information and guidance, to the Local Governments and Administrations noted in the margin and to the Home and Foreign Departments, for information.

Ordered also, that a copy be published in the *Gazette of India*, for general information.

No. 3252—3288-3.

TELEGRAPH ESTABLISHMENT.

Calcutta, the 27th March 1908.

THE Government of India have had under their consideration an important recommendation made by the Telegraph Committee regarding the limitation of Telegraph work on Sundays. A Telegraph operator has at present to work regularly on Sundays as part of the ordinary routine of his service, and this liability to Sunday work is felt by the staff to be a substantial hardship. The Government of India are of opinion that the grievance is a real one, and although it is one which cannot be altogether removed, they are anxious to do what is possible to limit its extent. The interest which the public have shown in matters affecting the well-being of the Telegraph staff, leads Government to believe that they will willingly co-operate in any reasonable measure to ameliorate the conditions of service in the Telegraph Department.

2. Telegraph offices are divided into three classes,—first class offices which are open always, second class offices which are open for about fourteen hours, usually from 7 to 21, and third class offices which are open for seven or eight hours only. At present on Sundays and the four chief holidays, *viz.*, Christmas day, New year's day, Good Friday and the King's Birthday, all first class offices are open as on week days; second class offices

are usually open for two hours in the morning and five in the afternoon; and third class offices for two hours in the morning and two in the afternoon. The Telegraph Committee were of opinion that while first class offices should remain open from o hours to o hours, as at present, the working hours of second and third class offices might be considerably restricted. In particular they recommended that in places where there is more than one office, all offices other than the principal one should be entirely closed on Sundays and holidays.

3. The Government of India have ascertained that in the United Kingdom a considerable number of offices are open on Sundays, only for one hour in the morning, and the very great majority only for two hours in the morning. A few are also open for one hour in the evening, and only the most important offices are open throughout the day. It is the recognised practice, moreover, to keep open only the chief office in towns where there is more than one office. Although the Government of India are not prepared to adopt the English practice in its entirety, they nevertheless consider that it would be desirable that the existing Sunday hours in Indian Telegraph offices should, if possible, be reduced. The following detailed proposals to effect this purpose have been tentatively put forward by the Telegraph Department and the Post Office :—

(1) That in places where there is more than one office, all offices except the principal one should ordinarily be closed; but that, in the case of a few of the largest towns, one or two of the minor offices which serve outlying localities should also be open for short periods.

(2) That first class offices should remain open from o hours to o hours as at present, except when the office is in a place where there is more than one office and is not itself the principal office.

(3) That in places where there is only one office, and the office ordinarily observes second class hours, or in places where there is more than one office and the principal office observes second class hours, it should be open in all cases for two hours in the morning (7 to 9), and in the case of the more important offices also for two hours in the evening (16 to 18).

(4) That in places where there is only one office, the office, if it ordinarily observes third class hours, should be open for two hours only in the morning (7 to 9), and that this period should be reduced to one hour in cases where experience shows that this further limitation is possible.

The Government of India, before issuing any orders on the subject desire that the public, who will be affected by the change in the working hours, should have an opportunity of expressing their opinion.

4. The restriction of the hours of working of second and third class offices would substantially diminish the Sunday work of the Telegraph staff, but a further recommendation has been made by the Telegraph Committee, *viz.*, that on Sundays and holidays inland telegrams at the lowest rates, at present known as deferred, should not be accepted for transmission. Telegraph offices are kept open on Sundays because both in public and private business questions arise which do not admit of delay, and important interests would suffer if the Telegraph Service were not available. But it may be argued that it is not unreasonable that any person wishing to send a telegram on a Sunday should be called upon to guarantee the urgency of his business by paying the higher rates. The less urgent messages being eliminated, the volume of traffic would be very greatly reduced, and the staff would secure a substantial measure of relief.

5. The Government of India will finally consider the proposals enumerated in this Resolution at the end of the first week in May. They will be glad to receive before that date any representation on the subject which Local Governments, public bodies, or private persons may desire to make.

Order.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations, to all Chambers of Commerce and Trades Associations and to all Departments of the Government of India.

Ordered, also, that a copy be published in the *Gazette of India*.

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 27th March 1908.

CANTONMENTS.

No. 216.—In exercise of the powers conferred by Section 20, sub-section (1) of the Cantonments Act 1889 (XIII of 1889), the Governor-General in Council is pleased to exempt goods imported through the Post Office from the operation of the octroi tax imposed in the Cantonment of Nowshera in the District of Peshawar by Punjab Government Notification No. 487, dated 16th October 1893.

FURLOUGH AND LEAVE.

No. 218.—The leave granted to Major W. A. L. Cowie, Cantonment Magistrate, under Home Department Notification No. 778-Judicial, dated 24th May 1906, has effect from the 19th and not 15th April 1906, as therein stated.

A. W. L. BAYLY,

Secretary to the Government of India.

DEPARTMENT OF MILITARY SUPPLY.

Fort William, the 27th March 1908.

PROMOTIONS

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

ASSISTANT SURGEON BRANCH.

No. 18.—The undermentioned second class Assistant Surgeons, having completed seven years' service in that class, to be 1st class Assistant Surgeons, with effect from the 11th February 1908 :—

George Francis Byers.

Charles William Ernest Kerr.

* * * * *

G. A. ROBERTSON, *Major*,

Offg. Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATIONS.

Simla, the 23rd March 1908.

No. 27.—The services of 2nd class Assistant Surgeon P. H. H. Munrowd, Indian Subordinate Medical Department, are placed at the disposal of the Punjab Government for civil employment in that Province with effect from the 28th January 1908.

No. 28.—The services of 3rd class Assistant Surgeon Robert Edmund Murray, Indian Subordinate Medical Department, are placed at the disposal of the Punjab Government for civil employment in that province with effect from the afternoon of the 10th February 1908.

BRUCE SETON, MAJOR, I.M.S.,

for *Director-General, Indian Medical Service.*

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA", DATED MARCH 28, 1908.

No. 2—188-1.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

LAND REVENUE.

ADMINISTRATION OF THE CO-OPERATIVE CREDIT SOCIETIES ACT ACT X OF 1904), DURING THE FIFTEEN MONTHS ENDING 30TH JUNE 1907.

Dated Calcutta, the 25th March 1908.

READ—

The reports received from Local Governments on the administration of the Co-operative Credit Societies Act (Act X of 1904), during the fifteen months ending 30th June 1907.

The proceedings of the conference of Registrars of Co-operative Credit Societies held in Calcutta on the 18th November 1907 and following days.

RESOLUTION.

AFTER the passing of the Co-operative Credit Societies Act in March 1904, a Registrar was appointed in each province to carry out the formal duties imposed upon that officer by the Act and to foster in every possible way the growth of the co-operative movement in India. In the instructions issued by the Government of India after the passing of the Act, stress was laid on the necessity of reducing restrictions to a minimum, so that the people might be encouraged (subject to certain necessary safeguards) to work out the problem on their own lines with such guidance and help as could be given to them. Local Governments were invited to select a few districts in each province in which the experiment might be most hopefully tried, and it was pointed out that it would be advisable to start cautiously and to progress gradually, since the principle of co-operation might be fatally discredited by a series of failures, whereas a few really successful results would encourage imitation and set an example which would quickly spread.

2. On the 31st March 1905 thirty-five rural and six urban societies with a capital of Rs. 54,128 had been registered under the Act, but there were also, especially in the United Provinces, a considerable number of societies at work that had not been formally registered. A year later the Registrars were supervising the work of 490 societies, but of those over 200 were either not working actively or had not been registered under the Act. The total number of active societies registered under the Act on the 31st March 1906 was 283, of which 9 were central societies, 37 were urban societies and 237 were rural societies. They had a membership of 28,629 and a working capital of Rs. 4,73,219. In accordance with the recommendation of the first conference of Registrars which was held in September 1906, the 30th June was fixed as the end of the Co-operative Credit Societies' year and the reports and returns now submitted accordingly cover a period of

fifteen months. The following table compares the statistics of registered societies on the 30th June 1907 and on the 31st March 1906 :—

	31st March 1906.	30th June 1907.
No. of Societies.		
Central	9	14
Urban	37	89
Rural	237	743
Total	283	846
Number of members	28,629	91,343
Capital.	Rs.	Rs.
Loans from private persons	1,40,539	6,56,092
Share capital	1,31,205	5,55,805
Deposits by members	1,23,925	5,76,025
State aid	70,152	2,84,738
Reserve	7,398	58,598
Total	4,73,219	21,31,258
Expenditure.		
Loans repaid to private persons	20,352	1,51,185
Loans issued to members	3,40,440	23,83,971
Purchase of raw material and stores	1,01,313	3,15,679
Profits...	*26,559	1,12,614
Total	4,88,664	29,63,449

*Profits inclusive of reserve fund.

The expansion of business is very remarkable, though it is exaggerated by the omission from the returns of 1906, as now prepared, of societies which were actually working without having been registered. After full allowance is made for this cause, however, the material progress made has been much greater than was anticipated when the movement started. It is also satisfactory that out of the total capital of over 21 lakhs less than 3 lakhs has been advanced by Government, while over 11 lakhs has been advanced by the members themselves as share capital and deposits. The work of the State has been as far as possible confined to the encouragement of societies in their initial stages.

3. Other satisfactory features in the reports are the punctuality with which loans have been repaid and the fact that the purposes to which the money lent has been applied have been almost exclusively productive, although this matter has hitherto been left entirely to the societies themselves. It is observed that the Burma Registrar is of opinion that, owing to the improvident habits of the cultivators in that country, it would be advisable to lay down a rule restricting the grant of loans to those given for productive purposes, but elsewhere there is no indication that this is necessary or that the increased facilities for borrowing afforded by the societies have led to a misuse of credit and to greater indebtedness.

4. But while the progress made is satisfactory, the movement has so far touched only the fringe of the vast population concerned. The 90,000 members of existing societies represent only a minute fraction of the numbers which must eventually be brought within the scope of the movement, if co-operative credit is to produce any marked effect on the problem of agricultural indebtedness in India. It would not be prudent at the present stage to press for too rapid an advance, but it is noticed that the main obstacle to expansion is the failure of the societies to attract outside capital. The deposits made by members are satisfactory so far as they go, but though the large amount of members' deposits

obtained in some provinces is remarkable, comparatively little can be expected from this source until the poorer members have benefited sufficiently to be in a position to save. In many places, well-to-do persons have joined the societies from philanthropic motives, and their pecuniary contributions together with their personal influence have been of great value. But it would be unsound to depend on assistance of this nature for the establishment of the movement on a widespread and permanent basis, and one of the most important problems to be solved in the immediate future is to obtain for the societies access to the outside money market. Something has already been effected in this direction in Madras, Burma and Bengal, where the rate of interest offered by the societies is higher than elsewhere. It will be impossible to attract outside capital without paying a comparatively high rate of interest and the societies will find it difficult to establish themselves on a permanent basis, unless they attract outside capital on business terms.

5. Another problem raised by the expansion of the movement is the best method of organising and combining societies for the purposes of control. The personal control of the Registrar over individual societies must diminish as they increase in number. In the United Provinces this difficulty is being met with apparent success by the establishment of district banks to which the rural societies are affiliated. Elsewhere local unions of rural societies are being formed. It is becoming recognised that the combination of village societies for the purposes of finance and control is as important as the combination of individuals for the purpose of forming a single society, and that the combination of societies is intimately connected with the problem of giving them access to the outside money market. Time and experience alone can show whether the combination of societies can best be effected from above or from below.

6. As regards the question of State aid from Government, the majority of the Registrars consider that the present rules under which Government loans are only made against an equal amount of deposits made by members made adequate provision for the encouragement of societies in their initial stages, and it seems to be advisable that this restriction should continue except in cases where for special reasons it is desirable to form societies which could not comply with this requirement. The concession is at present limited to rural societies, and a proposal to extend it to urban societies is being referred to Local Governments for consideration. Several Registrars consider that a special procedure for the recovery of debts due to societies would do much to improve their credit, but the Government of India are inclined to think that there is much force in the argument that there is a danger that the introduction of such a special procedure would lead to less care in the management of the societies, and so far there has been no indication that a special procedure is necessary. On the contrary, the punctuality with which loans have been repaid is one of the most satisfactory features of the movement.

7. In their reports the Registrars deal with the problem of their respective provinces on thoughtful and sympathetic lines, and the interest which they have shown in making themselves acquainted with the principles and procedure which have proved successful in other countries is most satisfactory. Genuine advance has been made everywhere, except in Ajmer and the North-West Frontier Province, where the movement has not yet taken root. But the lines on which progress is being made are by no means stereotyped, and provided main principles are not infringed the societies are rightly allowed a large amount of elasticity in their working. The results so far achieved give every reason for the hope that the problem of founding individual credit societies in India will be successfully solved, and that the system will take root and spread, while the spirit shown by all who have taken part in the movement is a hopeful augury that the larger questions connected with the combination of individual societies for the purposes of finance and control will in due time be satisfactorily settled. The failure of crops in a large part of the country in the present year will subject the societies to a severe strain, and the result of their working during the period of trial will be looked forward to with special interest. The Government of India desire to associate themselves with the Local Governments in their appreciation of the good work done by the several Registrars and of the valuable assistance received from non-official gentlemen in many provinces.

To the Government of Madras.
" " " Bombay.
" " " Bengal.
" " " the United Provinces.
" " " the Punjab.
" " " Burma.
" " " Eastern Bengal and Assam.
" Honourable the Chief Commissioner, Central Provinces.
" Chief Commissioner, Coorg.
" " " Ajmer.
" Honourable the Chief Commissioner, North-West Frontier Province.

ORDERED, that the above Resolution be communicated to all Local Governments and Administrations and that it be published in the Supplement to the *Gazette of India*.

R. W. CARLYLE,

Secretary to the Government of India.

Punjab Government Press, Lahore—3-4-08-792.

[illegible] comparatively little and to depend [illegible] the [illegible] members have benefited sufficiently to be in a position to save. In many places, well-to-do persons have joined the societies from philanthropic motives, and their [illegible] contributions, together with their personal influence, have been of great value. But it would be unsafe to depend upon assistance of this nature for the extension of the movement on a wide scale, and [illegible] one of the most important questions [illegible] in the immediate future is to obtain for such societies access to ample money at [illegible]. Something has already been effected in this direction in Madras, Burma and Bengal, where the rate of interest offered by the societies is higher than [illegible]. It will be impossible to attract outside capital without paying a comparatively high rate of interest and the societies will find it difficult to establish themselves on a permanent basis unless they attract outside capital on business terms.

Another problem raised by the expansion of the movement is the best method of organising and combining societies for the purposes of control. The necessity of control by Registrars over individual societies must diminish as they increase in number. In [illegible] Provinces this difficulty is being met with [illegible] central banks to which the rural societies [illegible] are affiliated. Elsewhere [illegible] of rural societies are being formed. It is becoming recognised that the [illegible] societies [illegible] for the purposes of finance and control is as important as the combination of individuals for the purpose of forming a single society, and that the combination of societies [illegible] connected with the problem of [illegible]. Time and experience alone can show whether the combination [illegible] is better effected from above or from below.

[illegible] regards the question of State aid from Government, the majority of the Registrars consider that the present rules, under which Government loans are only made [illegible] equal to the amount of deposits made by [illegible] adequate [illegible]. It seems to be desirable that the [illegible] should continue except in cases where special [illegible] to form [illegible] which could not comply with this requirement. The [illegible] urban societies [illegible] rural societies, and a proposal to extend it to urban societies [illegible]. Several Registrars consider that [illegible] Governments for consideration. [illegible] for the recovery of debts due to societies would do much to [illegible] the Government of India are inclined to think that there is [illegible] that the introduction of such a special procedure would [illegible] that there is a danger that [illegible] of the societies [illegible]. On the contrary, the punctuality with which [illegible] special procedure is unnecessary [illegible] is one of the most satisfactory features of the movement.

7. In their reports the Registrars deal with the problem of their [illegible] and sympathetic [illegible] acquainted with the principles and procedure which have proved [illegible] themselves [illegible] satisfactory. Genuine advance has been made in every [illegible] in other countries is most satisfactory [illegible] except in [illegible] and the North-West Frontier Province where the movement has not yet taken root [illegible] that the ideas on which progress is being made are [illegible] principles are not [illegible] developed, and provided [illegible] elasticity in their working. The results [illegible] a large amount of [illegible] individual credit societies in India [illegible] reason for the hope that the problem of [illegible] will take root and spread [illegible] will be successfully solved, and that the system [illegible] hopeful [illegible] by all who have taken part in the movement [illegible] individual societies for the purpose of [illegible] questions connected with the combination of [illegible] satisfactorily settled. The failure of crops in a [illegible] and control will in due time be [illegible] will subject the societies to a severe strain [illegible] part of the country in the present year [illegible] period of trial will be looked forward to with [illegible] the results of their working during [illegible] to associate themselves with the Local [illegible] interest. The Government of India desire [illegible] by the several Registrars and of [illegible] in their appreciation of the good work done [illegible] valuable assistance received from non-official gentlemen in many provinces.

ORDERED, that the above Resolution be communicated to all Local Governments and Administrations and that it be published in the Supplement to the Gazette of India.

R. W. CARLYLE,

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, APRIL 10, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE GAZETTE OF INDIA, DATED FEBRUARY 22, 1908.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 19th February 1908.

No. 117.—Mr. J. A. Breakey, a signaller, Government Telegraph Department, has been dismissed from the service for having despatched from the Dhubri Government Telegraph Office to Gouripore an alarmist telegram which he himself fabricated, and by which a severe panic was created at Gouripore, and at places in the neighbourhood.

T. D. BERRINGTON,

Director General of Telegraphs.

FROM THE "GAZETTE OF INDIA," DATED APRIL 4, 1908.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 1st April 1908.

No. 810.—Under the provisions of section 9 of the Statute 24 and 25 Vict. Cap., 67, the Governor-General in Council is pleased to direct that His Excellency's Council shall assemble at Simla in the jurisdiction of the Lieutenant-Governor of the Punjab.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 2nd April 1908.

No. 64.—Mr. W. R. Butterfield, Examiner of Accounts, is transferred from the office of the Examiner of Public Works Accounts, Punjab, to that of the Examiner, Public Works Accounts, Central Provinces.

No. 65.—Mr. R. Srinivasa Ayyar, Examiner of Accounts, is transferred from the office of the Examiner of Public Works Accounts, Madras, to that of the Examiner of Public Works Accounts, Punjab.

L. M. JACOB,

Secretary to the Government of India.

Punjab Government Press, Lahore—10-4 08-792.

ARMY DEPARTMENT.

Simla, the 10th April 1908.

LANGUAGES.

No. 247.—Rules for the examination in Arabic by the Interpreter's Test.

1. It is notified that with a view to affording Military and Political officers an opportunity of becoming proficient in Arabic as spoken in the countries in which they may be called upon to serve, the Government of India have, with the sanction of the Secretary of State for India, decided to institute an examination in Arabic to be known as the Interpreter's Test. The following rules are applicable to officers of the British and Indian Armies in Military employ, to officers of the Political Department of the Government of India and the Government of Bombay, and to such officers in Civil employ as may be admitted to them by the special orders of the Government of India.

2. On passing the Higher Standard examination in Arabic as prescribed in India Army Order No. 82, dated the 6th February 1905, an officer will be permitted to proceed on language leave to Arabia proper or Turkish Arabia for a period of one year for the purpose of further studying the language. The year's leave will be inclusive of the time occupied in making the journeys to and from Arabia. On completion of not less than eight months' residence in Arabia, an officer may attend the examination by the Interpreter's Test. This examination will be held at Aden, twice yearly, in April and October. The papers will be set by the Secretary to the Board of Examiners, Calcutta, and will be forwarded to the Examiner who will be nominated under the orders of the Political Resident at Aden to conduct the oral examination. This Examiner will forward the written answers of candidates to the Board of Examiner at Calcuita to mark, together with his report on the marks obtained by candidates in the oral examination.

The syllabus of the examination will be as follows:—

	Marks.
(I) Translation from Arabic into English of two passages of reasonable difficulty taken from an Arabic newspaper	150
(II) Translation of two similar passages from English into Arabic, with accuracy and grammatical correctness	300
(III) Writing from dictation 6 to 10 lines of Arabic	50
(IV) Reading and translating at sight a modern Arabic manuscript on current or official affairs	100
(V) Conversing with accuracy and fluency with an Arabic-speaking native official and with natives of Arabia speaking the ordinary dialect of the country	400

3. The examination will be of a searching nature; the tests, both oral and written, must be performed with such excellence as to indicate real proficiency. The translation into Arabic must be made with the vowel points. To qualify as an Interpreter a candidate must obtain not less than 60 per cent. of marks in each subject, and 70 per cent. in the aggregate.

4. Candidates who qualify as Interpreters, and whose actual residence in India has not exceeded 15 years, will be entitled to a reward of Rs. 2,000. Officers of the British and Indian Armies in Military employ will, if successful, be allowed free passage at the "temporary duty" scale to and from Arabia under Army Regulations, India, Volume X.

5. During the period of absence from India, Military officers other than those in Civil or Political employ, will be granted the pay and allowances admissible to them while on leave in India; the pay and allowances of the Indian Civil Service, Political officers and Military officers in Civil employ will be regulated by article 280 (*d*) of the Civil Service Regulations.

6. The existing high proficiency and degree of honour examinations in Arabic, with their attendant rewards, will be retained; and officers to whom these rules apply will be eligible to appear at those examinations. But an officer who has successfully competed for the reward by the Interpreter's Test will not be granted a reward for passing the High Proficiency examination. He will, however, be eligible for the reward for passing the Degree of Honour examination.

PROMOTIONS.

No. 250.—The following promotions are made, subject to His Majesty's approval:—

INDIAN ARMY.

* * * * * * * *

Captain to be Major.

9th April 1908.

Alfred Charles Elliott, Supernumerary List.

* * * * * * * *

SPECIAL.

No. 260.—With reference to paragraph 293, Army Regulations, India, Volume II, the undermentioned officer having been absent from military duty for ten years is transferred to the supernumerary list, with effect from the date specified:

Captain John Cecil Cortlandt Angelo, Assistant Commissioner, 2nd grade,—4th October 1907.

A. W. L. BAYLY,
Secretary to the Government of India.

Punjab Government Press, Lahore—17-4-08-798.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, APRIL 24, 1908.

PART II

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 18, 1908.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 14th April, 1908.

No. 71.—The services of Mr. C. E. V. Goument, Superintending Engineer, 2nd class, Punjab, are temporarily placed at the disposal of the Government of the United Provinces of Agra and Oudh.

No. 72.—Mr. W. A. Bagley, Executive Engineer, 1st grade, Punjab, is appointed to officiate as Superintending Engineer, with effect from the 1st April 1908.

No. 73.—Mr. W. B. Gordon C.I.E., Superintending Engineer, 1st class, Punjab, is appointed to officiate as Chief Engineer and Secretary to the Government of the Punjab in the Public Works Department, with effect from the 9th April 1908, and until further orders.

No. 74.—Mr. R. E. Purves, Executive Engineer, 1st grade, Punjab, is appointed to officiate as Superintending Engineer, with effect from the 29th March 1908, and until further orders.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 14th April, 1908.

No. 1007 *F.*—The services of Mr. H. H. G. Rotton, Punjab Police, are replaced at the disposal of the Government of the Punjab, with effect from the afternoon of the 31st March, 1908.

No. 1008 *F.*—Mr. E. L. French, Deputy Inspector-General of Police, Punjab, is appointed Inspector-General of Police, North-West Frontier Province, with effect from the 1st April, 1908.

S. H. BUTLER,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 17th April, 1908

CANTONMENTS.

No. 274.—In exercise of the powers conferred by section 20, sub-section (1), of the Cantonments Act, 1889 (XIII of 1889), the Governor-General in Council is pleased to declare that in every cantonment in British India, in which a conservancy tax is for the time being imposed under section 17, sub-section (1), clause (*a*), of the said Act, all authorised army followers and their families shall be exempt from the payment of the said tax.

A. W. L. BAYLY,

Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 13th April 1908.

No. 36.—The services of 2nd class Assistant Surgeon John Nelson Turner of the Indian Subordinate Medical Department, are placed at the disposal of the Punjab Government for temporary plague duty in that province, with effect from the 1st April 1908.

G. BOMFORD, M.D., SURGEON-GENERAL.

Director-General, Indian Medical Service.

THE HON'BLE THE AGENT TO THE GOVERNOR-GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATION.

Peshawar, the 8th April 1908.

No. 39.—The services of Bakhshi Ghani Sham Das, Extra Assistant Commissioner, are replaced at the disposal of the Punjab Government with effect from the forenoon of the 1st April 1908.

By order, &c.,

A. H. GRANT,

Secretary to the Chief Commissioner,

North-West Frontier Province.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA", DATED APRIL 18, 1908.

NO. 1047—9—1.

GOVERNMENT OF INDIA—DEPARTMENT OF REVENUE AND AGRICULTURE.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 15th April, 1908.

The following Proclamation issued by the Government of Natal is published for general information :

PROCLAMATION No. 50, dated 28th March 1906, by His Excellency Colonel Sir Henry Edward McCallun, Royal Engineer, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Aide-de-Camp to His Majesty, Governor and Commander-in-Chief in and over the Colony of Natal, *Vice*-Admiral of the same, and Supreme Chief over the Native population.

WHEREAS by Proclamation No. 77, 1903, dated the 4th of July 1903, the importation directly or indirectly, into the Colony of Natal, of horses, mules, and cattle from the Island of Mauritius and from any part of India was prohibited on the ground that a disease known as "Surra", exists in Mauritius and endemic in certain parts of India:

AND WHEREAS it is deemed expedient to prohibit the importation of all animals from the Island of Mauritius and India:

NOW THEREFORE, in virtue of the powers vested in me by Law No. 13 of 1866, and the Animals Diseases Act of 1894, I, the Governor in Council, do hereby prohibit the importation, directly or indirectly, into the Colony of Natal, of all animals, from the Island of Mauritius and India.

Notwithstanding the foregoing prohibition, healthy animals from India may be imported into the Colony of Natal, provided that persons desirous of so importing them from India shall first obtain permission in writing from the Principal Veterinary Surgeon in Natal, for such importation, which must be subject to quarantine, at such place and for such time as may in each case be directed by the Principal Veterinary Surgeon, and to such other conditions as to him may seem necessary.

The penalty for every animal imported in contravention of this Proclamation shall be a fine not exceeding Fifty Pounds Sterling, with the alternative of imprisonment, with or without hard labour, until the payment of such fine; such imprisonment not to exceed the term of three months.

R. W. CARLYLE,

Secretary to the Government of India.

Punjab Government Press, Lahore—24-4-08—79.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MAY 1, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED APRIL 25, 1908.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Viceroy's Camp, the 24th April, 1908.

No. 89 *C.*—His Excellency the Viceroy and Governor-General will arrive at Simla by road at about 2 P.M. on Saturday, the 25th April 1908.

His Excellency's arrival will be private, and there will therefore be no Guard-of-Honour, and no Government officials will be required to attend at Viceregal Lodge.

A salute will be fired on His Excellency's arrival at Simla.

By Command,

VICTOR BROOKE, *Lieut.-Colonel,*

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

Simla, the 23rd April, 1908.

No. 499.—In exercise of the power conferred by section 4 of the Punjab Courts Act, 1884 (XVIII of 1884), the Governor-General in Council is pleased to appoint Mr. W. Chevis, I.C.S., a Divisional Judge in the Punjab, to officiate as a Judge of the Chief Court, Punjab, during the absence on leave of the Hon'ble Mr. A. H. S. Reid, or until further orders.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

ESTABLISHMENTS.

Simla, the 24th April, 1908.

No. 83.—The following is published for general information :

ESTABLISHMENTS.

Nos. 675-694 E., dated the 24th April 1908.

RESOLUTION—By the Government of India, Public Works Department.

The Government of India have for some time had under their consideration the question of improving the pay of the Engineer Establishment of the Public Works Department. They have recognised that in the altered circumstances of the country the existing rates of pay are insufficient to ensure the recruitment of engineers with the requisite qualifications either in England or in India, or to maintain that standard of efficiency which is requisite to the proper maintenance and control of the great system of Public Works on which the advancement and prosperity of the country so largely depend. The question of re-organising the pay of the service is complicated by the inclusion in one list of Imperial engineers recruited in England and Provincial engineers recruited in India, the latter drawing a lower rate of pay. The Provincial Service was constituted in 1892, but up to the present time its officers, though on a lower scale of pay and under different rules in regard to leave and pension, are borne on the same list as the engineers of the Imperial Service—a practice not in accordance with that followed in any other department. It has been decided that the opportunity afforded by the alteration of the rates of pay should be taken to give full effect to the recommendations of the Public Service Commission and to separate the cadres of the Imperial and Provincial Services. The Governor-General in Council, with the approval of His Majesty's Secretary of State for India, is, therefore, pleased to sanction the following changes in organisation with effect from the 8th March of 1908, the date on which the Secretary of State's despatch on the subject was received in India.

IMPERIAL ENGINEERS.

2. *Assistant and Executive classes.*—In place of the existing graded system of promotion in the executive and assistant engineer classes, as laid down in Resolution No. 2523-G., dated the 28th September 1893, it has been decided, with the object of equalising the rate of promotion of officers in these classes throughout India, to introduce a fixed time-scale of promotion. The scale sanctioned is as follows :—

			Maximum pay.
			Rs.
Assistant Engineer	1st year of service	... ...	380
" "	2nd " " "	... ...	420
" "	3rd " " "	... ...	460
" "	4th " " "	... ...	500
" "	5th " " "	... ...	540
" "	6th " " "	... ...	580
" "	7th " " "	... ...	620
" "	8th " " "	... ...	660
Executive Engineer	9th " " "	... ...	700
" "	10th " " "	... ...	750
" "	11th " " "	... ...	800
" "	12th " " "	... ...	850
" "	13th " " "	... ...	900
" "	14th " " "	... ...	950
" "	15th " " "	... ...	1,000
" "	16th " " "	... ...	1,050
" "	17th " " "	... ...	1,100
" "	18th " " "	... ...	1,150
" "	19th " " "	... ...	1,200
" "	20th " " " and following years	...	1,250

The two periodical increments of Rs. 50, now admissible to Executive Engineers, 1st grade, under paragraph 12 of Volume I of the Public Works Code, are abolished and, in accordance with the procedure which is usually adopted when the pay of a service is re-organised on an improved basis, exchange compensation allowance will cease to be drawn with effect from the date on which the new scale comes into force.

The increments will be given for approved service only; but after the first increment has been admitted by the Local Government or Administration under which the officer is serving subsequent increments may be drawn in each class on the date on which they are due, and may be admitted in audit without sanction of higher authority, provided that the Local Government or Administration concerned has not issued an order withholding the increment in any particular case. In the 9th year of service an officer will ordinarily pass into the executive class, the minimum pay of which is Rs. 700, but no officer will be permitted to enter that class until he is reported fully qualified for the charge of a division. Further, no officer in the executive class may draw more than Rs. 800 a month except as a purely temporary arrangement, unless he holds a divisional charge, or a charge which, in the opinion of the Local Government or Administration, is of equal importance. An officer of the assistant class placed in charge of a division will, in addition to his substantive pay, draw the ordinary officiating allowance admissible under Article 120, Civil Service Regulations, subject to a maximum of Rs. 700, which is the minimum pay of an Executive Engineer; but the period during which an assistant officiates in the executive class will not count as service for increments in that class. Temporary promotion to the rank of Executive Engineer is abolished.

3. *Administrative classes.*—No change is made in the pay of officers of administrative rank, as sanctioned in Resolution No. 1101-E., dated the 25th August 1905 but exchange compensation allowance will not be admissible on promotion to that rank to officers who on the 8th March 1908 were below the rank of Executive Engineer, 1st grade. An exception is made in the case of Executive Engineers, 1st grade, since the enjoyment of the higher rate of pay up to the date of promotion to the rank of Superintending Engineer, might not compensate them for the loss of exchange compensation allowance, admissible to administrative officers under present rules. Exchange compensation allowance in the administrative classes has already been withdrawn by the orders in Resolution No. 471-E., dated the 30th April 1906, from all officers appointed to the department in and after the year 1907, and the present orders will ultimately lead to the complete abolition of the allowance throughout all ranks of the department.

PROVINCIAL ENGINEERS.

4. *Assistant and Executive classes.*—In the case of these officers the following improved time-scale for the assistant and executive classes is introduced in place of the system of grade promotion, laid down in Resolution No. 2523-G., dated the 28th September 1893, under which an officer of the Provincial Service cannot, as an Executive Engineer, rise above a maximum pay of Rs. 650:—

			Maximum pay.
			Rs.
Assistant Engineer	1st	year of service	250
" "	2nd	"	250
" "	3rd	"	300
" "	4th	"	300
" "	5th	"	350
" "	6th	"	350
" "	7th	"	400
" "	8th	"	400
" "	9th	"	450
" "	10th	"	450
" "	11th	"	500
" "	12th	"	500
" "	13th	"	550
" "	14th	"	550
" "	15th	"	550
" "	16th	"	650
" "	17th	"	650
" "	18th	"	700
" "	19th	"	700
" "	20th	"	750
" "	21st	"	750
" "	22nd	"	800
" "	23rd	"	800
" "	24th	"	850
" "	25th	"	850
" "	26th	"	900

No promotion to the executive class will be made until the completion of 15 years' service, and promotion at that stage will be dependent on—

(1) possession of the necessary qualifications for the charge of a division,

(2) existence of a vacancy in the divisional charges reserved for provincial engineers (paragraph 11 below).

An assistant appointed to the charge of a division will receive the ordinary officiating allowance admissible under Article 120, Civil Service Regulations, subject to a maximum salary of Rs. 650, the minimum pay of the executive class; but the period during which an assistant officiates in the executive class will not connt as service for increments in that class. Temporary promotion from the assistant to the executive class is, as in the case of the Imperial Service, abolished.

The increments will be given for approved service only, and may be drawn when due subject to the same restrictions as are laid down in the case of the Imperial Service.

5. *Administrative classes.*—In supersession of the rates of pay fixed in Resolution No. 2112-G., dated 19th July 1892, the following revised rates are sanctioned for the three classes of Superintending Engineers:—

	Rs.
Class I	1,600
Class II	1,400
Class III	1,200

The rates of pay for officers of the Provincial Service who may rise to the rank of Chief Engineer will be the rates sanctioned for Imperial engineers.

All Provincial engineers now in the department are given the option of electing for these new conditions of service. If election is made within two months from the date of this resolution, it will take effect from the date from which the new scale is sanctioned; otherwise, with effect from the date of election. A reasonable extension of time, at the discretion of Local Governments and Administrations, may be permitted in the case of officers on leave or on foreign service out of India.

7. In the case of both Imperial and Provincial engineers all time spent on leave with allowances, on foreign service and on deputation on special duty, will count as service for increments of the time-scale in the absence of orders in any particular case to the contrary. In regard to the date on which increments become due the rule in Civil Service Regulations, Article 151, will apply. This will not, however, in any way affect the question of relative seniority which, as at present, will be regulated by the date or order of appointment as the case may be,

8. The initial salary which each officer now in the service is to draw under the new scales of pay will be determined by their Local Governments, except in the case of officers on the minor Administrations List, whose promotion has hitherto been regulated by the Government of India. The initial salary to be drawn by these officers will be communicated in due course to the Government of Eastern Bengal and Assam and to the Local Administrations concerned. In determining the initial pay under the new scales it should be understood that, though Local Governments are accorded full power to fix the pay of any officer within the maximum admissible for his length of service, no officer whose promotion has been retarded in the past, is, by reason of length of service, entitled to claim a higher rate of pay under the new scales than that admitted to the officer immediately above him in the seniority list. Indian College officers on the Imperial rates of pay will count service, for the purpose of the new incremental scale, from the date on which they attained the pay Rs. 350.

9. The new scale will be introduced so as not to cause any reduction in the emoluments (substantive pay *plus* exchange compensation allowance) actually drawn at present by any officer, Imperial or Provincial, under the existing scale. In any case in which under the new scale the pay admissible is less, the difference between such pay and the old scale of pay, *plus* exchange compensation allowance, will be allowed as a personal allowance to be reduced or absorbed as the recipient's pay, or salary, is increased under the new scale. Further, no officer shall be called upon to refund any excess of pay, which he may have actually drawn, under competent authority, between the date on which the new scales of pay take effect, *viz.*, the 8th March 1908, and the actual date of the orders of the Local Government or

Administration regulating the position of the officer on the incremental scale; and any officer, whether Imperial or Provincial, permanently promoted to the rank of Executive Engineer on or before the date of this Resolution, may be permitted to retain that rank irrespective of his position on the new incremental scales of pay.

10. The pay to be drawn by Royal Engineers in the administrative classes is determined by Resolution No. 1140-E., dated 15th October 1906, and separate orders will issue in due course in regard to the pay to be drawn by these officers in the executive and assistant classes consequent on the revision of the civil rates of pay now sanctionod.

11. It will now be necessary to fix a separate cadre for Imperial and for Provincial engineers for each province or branch of the service, and this matter, which is not one of urgency, will be taken up in due course in communication with the various Local Governments and Administrations. The strength of the Provincial Service has, with the sanction of the Secretary of State, been fixed for the present at 280 officers, and separate cadres will therefore be laid down for each Provincial branch of the service working up to this total, the balance of requirements being provided for in the cadres for Imperial engineers. It may be explained that, in order to secure, as provided in the scale of pay laid down, the promotion of each qualified Provincial engineer to the executive class, after three years' service on his maximum pay as an Assistant Engineer, in other words in his 16th year of service, it is estimated that it will be necessary to reserve a minimum of 75 divisional charges for this service. This number will accordingly be eventually reserved and distributed over the various Provincial cadres. The Provincial Service which was introduced by Resolution No. 2112-G., dated 19th July 1892, is still in its infancy, the total strength at present being 145 officers, and no officer of that service has consequently yet reached the stage in his career when his fitness for administrative rank would ordinarily require consideration. All administrative charges must therefore be filled for the time being by Imperial engineers, and the cadres for Provincial engineers will, for the present, be confined to the executive and assistant classes. The Governor-General in Council, however, fully recognises the necessity of increasing the strength of the Provincial Service, as soon as this is found to be practicable, in order to provide a larger field of employment for persons who have been trained in this country. The scheme now sanctioned for the Provincial Service must not therefore be regarded as finally determining the position of that service in the Public Works Department, but rather as providing the framework of a scheme, to be subsequently enlarged, in the direction of giving the Indian element in the department a larger share in the administration of the public works of their country as they prove their fitness for the higher posts. The Governor-General in Council, therefore, directs that a careful reconsideration of the strength and constitution of the Provincial Service shall be undertaken at periodical intervals of five years.

ORDERED that this Resolution be forwarded to Local Governments, Administrations and Officers noted in the margin for information and guidance, and that it be published in the *Gazette of India* for general information.

The Governments of Madras, Bombay, Bengal, the United Provinces of Agra and Oudh, the Punjab, Burma, and Eastern Bengal and Assam, Public Works Department.
The Honourable the Chief Commissioner of the Central Provinces.
The Chief Commissioner of Coorg.
The Honourable the Resident at Hyderabad.
The Honourable the Agent to the Governor-General for Central India, Rajputana and Baluchistan.
The Honourable the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.
The Accountant-General, Public Works.
The Secretary, Railway Board.

ORDERED ALSO that this Resolution be communicated to the Home, Finance Revenue and Agriculture and the Commerce and Industry Departments of the Government of India.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 21st April, 1908.

No. 1577-I.C.—Major E. M. Molyneux, D.S.O., 12th Cavalry, is appointed to officiate as Inspecting Officer, Punjab Imperial Service Cavalry, with effect from the 9th April, 1908, and during the absence, on leave on private affairs out of India, of Captain J. Craik, 19th Lancers, or until further orders.

S. H. BUTLER,

Offg. Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

CUSTOMS.

Simla, the 23rd April, 1908.

No. 3965-6.—In exercise of the powers conferred by Section 22 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that for the corresponding items of entries No. 6 and No. 15 in the Notification of the Government of India in this Department, No. 10889-37, dated the 20th December 1907, the following shall be substituted, namely:

No.	Names of articles.	Per	Tariff valuation.	Duty.
			Rs. As.	
6	* * * *			
	China preserves in syrup	Cwt. (nett)	32 0	5 per cent.
	* * * *			
15	* * * *			
	Brass,—			
	Patent or yellow metal, sheathings, sheets, braziers and plates	Cwt.	52 0	Do.
	Patent or yellow metal, (old)	"	36 0	Do.
	* * * *			
	Copper,—			
	Braziers, sheets, plates and sheathing	"	60 0	Do.
	* * * *			
	Copper, old	"	48 0	Do.
	" pigs, tiles, ingots, cakes, bricks and slabs ...	"	55 0	Do.

No. 3983-24.—In exercise of the power conferred by Section 23 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the Notification of the Government of India in the Finance and Commerce Department, No. 251-S.R., dated the 12th January 1904, the Governor-General in Council is pleased to exempt from the import duty leviable thereon under the Indian Tariff Act, 1894 (VIII of 1894), all band instruments (other than stringed instruments), and such accessories thereto as are specified in the annexed list, when such instruments or accessories are imported by a Native Regiment of His Majesty's regular forces in India, or by a Military Police Battalion, and certified by the Officer Commanding

the regiment, or the Officer in charge of the Military Police Battalion, to be for the *bonâ fide* exclusive use of the regimental band, or the band attached to the Military Police Battalion, as the case may be.

List of Accessories.

Bags for bagpipes.
Cardholders.
Carriages (brown or black).
Cases for reeds and mouthpieces.
Cases (leather or wooden).
Chanters, pipe, and practice.
Cleaners for brass and reed instruments.
Cord for bagpipes.
Crooks.
Drones for bagpipes.
Drum heads.
Drum sticks.
Drum flesh hoops.
Fingertops.
Green broadcloth for Drums.
Green silk ribbon for Drums.
Key pads for reed instruments.
Ligatures for reed instruments.
Mouthpieces and Caps therefor.
Mutes for brass instruments.
Pipe tassels for bagpipes.
Reeds.
Ribbons for bagpipes.
Ropes for Drums.
Shanks any slides for brass instruments.
Silver buckles for Drums.
Silver buttons for Drums.
Springs.
Snares.
Taps for brass instruments.
Valve corks.
Valve tops and needles.

EXPLOSIVES.

The 23rd April, 1908.

No. 3905-17.—In accordance with the provisions of Section 18 of the Indian Explosives Act, 1884 (IV of 1884), and of the Notification of the Government of India in the Home Department, No. 1964, dated the 2nd September 1887, the Governor-General in Council is pleased to publish for general information the following amendments which his Excellency in Council, in exercise of the powers conferred by Section 5 of the said Act, proposes to make in the rules to regulate the transport and importation of explosives, published with the Notification in this Department, No. 4555-4-(Explosives), dated the 31st May 1907.

The draft will be taken into consideration by the Governor-General in Council on the expiration of two months from the date of publication of this Notification in the *Gazette of India.*

Draft amendments.

In Schedule A under the heading "Materials required. (*a*) Test-paper":

(1) the words and figures "weighing, air dry, about 6·5 grammes per 100 square inches," shall be omitted;

(2) for the word "cork" the word "corked" shall be substituted.

B. ROBERTSON,

Secretary to the Government of India.

DEPARTMENT OF MILITARY SUPPLY.

Simla, the 24th April 1908.

APPOINTMENTS.

MEDICAL DEPARTMENT.

No. 27.—The Governor-General in Council is pleased to direct the publication of the following Royal Warrant, dated 13th March 1908, amending the rules for promotion, etc., of officers of the Indian Medical Service which were published in Military Department Notification No. 694 of 1905:—

EDWARD R. & I.

WHEREAS We deem it expedient to revise the rules for the promotion and precedence of Our Indian Medical Service:

OUR WILL AND PLEASURE is that Our Warrants of 28th November 1903 and 28th June 1905 be cancelled, and that from and after this date the following rules shall be established, and that by these rules Our Viceroy and Governor-General in Council shall be governed.

1. The substantive ranks of Medical Officers in Our Indian Military Forces shall be as follows:—

Surgeon-General (ranking as Major-General).

Colonel.

Lieutenant-Colonel.

Major.

Captain.

Lieutenant.

The Director-General of Our Indian Medical Service shall hold the substantive rank of Surgeon-General, but may rank as Lieutenant-General when approved by Our Secretary of State for India in Council.

2. Except as otherwise herein provided, a Lieutenant shall be promoted to the rank of Captain on completing three years' full-pay service if he has previously qualified in such manner as may be prescribed by Our Secretary of State for India in Council. An officer who has not so qualified may be provisionally promoted, if, in the opinion of Our Secretary of State for India in Council, he has not had a reasonable opportunity of qualifying. Such provisional promotion may be cancelled as soon as he has had such an opportunity and has not qualified.

3. Except as otherwise herein provided, a Captain shall be promoted to the rank of Major on completing 12 years' full-pay service, but this period may be reduced by six months in the case of an officer who produces satisfactory evidence of progress in any branch of knowledge which is likely to increase his efficiency.

4. Except as otherwise herein provided, a Major shall be promoted to the rank of Lieutenant-Colonel on completing eight years' full-pay service in the rank of Major.

5. Time on half-pay, not exceeding one year, shall be allowed to reckon as service for promotion under Articles 2, 3, and 4, where removal to half-pay has been the consequence of medical unfitness caused by duty, military or civil.

6. A Captain, after at least six years' service, a Major, or a Lieutenant-Colonel, may be promoted to the next higher rank by brevet for distinguished service in the field or for distinguished sevice of an exceptional nature other than in the field.

7. A certain number of Lieutenant-Colonels may be specially selected for increased pay for ability and merit.

8. Promotion from the rank of Lieutenant-Colonel with increased pay to that of Colonel, and from the rank of Colonel to that of Surgeon-General, shall be given by selection for ability and merit, and the grounds of such selection shall be stated to Us in writing, and recorded in the Office of Our Secretary of State for India.

9. A Lieutenant-Colonel may also be promoted to the rank of Colonel, and a Colonel to the rank of Surgeon-General, for distinguished service in the field. In any such case the Officer shall remain supernumerary in the higher rank until the vacancy to which, in the ordinary course, he would have been promoted, or in the case of an Officer promoted to the rank of Colonel, until selection for the rank of Surgeon-General.

10. On appointment as Our Honorary Physician or Surgeon under Article 13, an Officer below the rank of Colonel shall be promoted to that rank, remaining supernumerary of his rank until he would have attained the rank of Colonel in ordinary course. An officer below the rank of Colonel, who may be appointed as Our Honorary Physician or Surgeon after retirement from the Service, shall be granted the honorary rank of Colonel

11. Exchanges between Officers of Our Indian Medical Service and Officers of Our Royal Army Medical Corps below the rank of Major, and transfers of such Officers from either of the above Services to the other, shall be permitted subject to the approval of Our Secretary of State for War and of Our Secretary of State for India in Council, and on the following conditions:—

1. That the Officers shall have less than seven years' service.

2. That the senior Officer exchanging shall take the place of the junior on the Departmental List, and shall not be promoted under Article 3, 4, or 5, until the Officer next above him shall have been so promoted.

3. That the junior Officer exchanging shall be placed for seniority next below all Medical Officers whose commissions have the same date as his own.

4. That the Officer transferred shall be placed for the seniority below all Medical Officers holding the same rank at the time of his transfer, and shall not be promoted under Article 3, 4, or 5, until the Officer next above him shall have been promoted.

12. With a view to maintain the efficiency of the Service, Medical Officers shall be placed on the Retired List when they attain the following ages:—

Director-General	62
Surgeon-General	60
Colonel	
Lieutenant-Colonel	55
Major	

But a Lieutenant-Colonel, who has been specially selected for increased pay, if he attains the age of 55 years before he becomes entitled to the pension for 30 years' service, may be retained until completion of such service, and in any special case where it would appear to be for the good of Our Service that an Officer should be continued in employment, he may be so continued, subject in each case to the sanction of Our Secretary of State for India in Council.

13. An Officer appointed on and after the 11th September 1890, who may retire on pension before completing 30 years' service, shall be liable, till he completes 55 years of age, to be recalled to duty in case of emergency.

14. Six of the most meritorious Medical Officers of the Service shall be named Our Honorary Physicians, and six Our Honorary Surgeons.

Given at Our Court at St. James' this thirteenth day of March 1908, in the Eighth year of Our Reign.

By His Majesty's Command,

JOHN MORLEY,

Punjab Government Press, Lahore—1-5-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MAY 8, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 2, 1908.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 1st May 1908.

No. 967-M.—Notice is hereby given that HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL will hold a Levée at Viceregal Lodge, Simla, at 9-45 P.M. on Thursday, the 21st May 1908.

All Civil and Military Officers and the Indian Officers of the Infantry Guard are invited to attend.

The following regulations are to be observed :

I.—Gentlemen who propose to attend His Excellency's Levée are requested to bring with them two large cards with their names *clearly written* thereon—one to be left with the Aide-de-Camp in waiting in the corridor, and the other to be delivered to the Military Secretary, who will announce the name to His Excellency.

II.—Gentlemen who have not already been presented at the Court of St. James, or at the Viceregal Court, should send in their names and addresses through the gentlemen who propose to present them to the Military Secretary's Office not later than Saturday, the 16th May 1908, in order that the names may be submitted to His Excellency, when, if they are approved, presentation cards will be forwarded.

III.—Gentlemen presenting others must themselves attend the Levée.

IV.—Gentlemen entitled to wear uniform will appear in Full Dress : Military Officers—Review Order, dismounted ; Civilians—Levée Dress. Helmets will not be taken to the Levée.

V.—Clergymen being University Graduates and other gentlemen entitled to wear robes or gowns on account of Judicial or Academical office or sta'us, and not entitled to wear uniform, will appear in such robes or gowns.

VI.—Gentlemen not entitled to wear uniform, or robes or gowns, will appear in Evening Dress.

XII.—Indian gentlemen who do not appear in the dress prescribed above will wear Choga, Aba or Jubba and Chapkan, Chilta, Saya or Kaba with trousers and their distinctive National head-dress, or the ceremonial dress approved for their class by the Local Government.

In the case of Bengali gentlemen the head-dress should be a Pugree generally known as Shamla or Mouratta, and not a brimless cap.

In the case of Burmese gentlemen the head-dress should be a white fillet, the hair being dressed in a top knot.

Indian gentlemen who do not appear in the dress prescribed in rules IV, V and VI should not remove their head dress when they pass His Excellency.

At the Viceregal Court, only patent leather boots or shoes of an English pattern are allowed to be worn, except in the case of Indian Military Officers, who wear the particular style of boot or shoe which forms part of their uniform.

By Command,

VICTOR BROOKE, *Lieut.-Colonel,*

Military Secretary to the Viceroy.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

TELEGRAPHS.

Simla, the 30th April, 1908.

No. 4187-105.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that the following rules shall be substituted for the rules bearing the same numbers, published with the Notification of the Government of India in the Public Works Department No. 298 (Telegraphs), dated the 22nd of September 1904, and as subsequently amended, namely :—

59. Urgent telegrams have precedence over Ordinary telegrams in transmission, and are delivered by messengers at any time during the day or night.

60. Ordinary telegrams are transmitted in their turn after Urgent telegrams, and delivery is effected by messengers between 6 hours and 21 hours. These hours are subject to modification to suit local requirements.

61. Deferred telegrams are not transmitted till the wires are clear of Urgent and Ordinary telegrams, but delivery is effected as in the case of Ordinary telegrams. These hours are subject to modification to suit local requirements.

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 1st May 1908.

CANTONMENTS.

REGULATIONS.

No. 314.—In exercise of the powers conferred by section 26, clause (7), of the Cantonments Act, 1889 (XIII of 1889), and in modification of the Notification of the Government of India in the Military Department No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below :—

In section 29, sub-section (1), clause (*d*), after the words " Cantonment Establishment " the words " or any contribution to a provident fund on account of any member of that Establishment, " shall be added.

No. 315.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 6th June 1908.

Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the Notification of the Government of India in the Military Department No. 664, dated the 16th June 1889, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below—

In section 29, sub-section (1), clause (*g*), add the following to the clause—

" and the conveyance of patients to and from hospitals and their expenses therein."

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—8-5-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MAY 15, 1908.

PART II.

Republications from the " Gazette of India."

Nil.

Punjab Government Press, Lahore—15-5-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MAY 22, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 9, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

ESTABLISHMENTS.

Simla, the 8th May, 1908.

No. 480.—The services ot Mr. H. P. Tollinton, of the Indian Civil Service, are placed at the disposal of the Legislative Department, with effect from the date on which he relinquishes charge of his present duties.

ECCLESIASTICAL.

The 7th May, 1908.

No. 176.—The Governor-General in Council is pleased to direct that the following addition shall be made in the second paragraph of rule IX of the rules regulating grants for the building of churches, etc., published with the Home Department notification No. 178, dated the 21st May 1897, as amended by the Home Department notification No. 479, dated the 4th December 1907:

Between the words "ordinary first-class" and "buildings of substantial construction" insert the word "single-storied."

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 7th May, 1908.

No. 89.—The services of Mr. T. R. J. Ward, C.I.E., Executive Engineer, Punjab are temporarily placed at the disposal of the Foreign Department, with effect from the 11th April 1908.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 7th May, 1908.

No. 1819-*I.B.*—The services of Lala Dina Nath, Extra Assistant Commissioner, are replaced at the disposal of the Government of the Punjab, with effect from the 12th March, 1908, the date on which he relinquished charge of the office of Native Assistant to the Resident at Gwalior.

The 8th May, 1908.

No. 1849 *I.C.*—The following Resolution of the Government of India in the Foreign Department is published for general information:—

RESOLUTION—By the Government of India, Foreign Department, No. 1850-*I.C.*, dated Simla, the 8th May 1908.

RESOLUTION.—The Governor-General in Council is pleased to direct that the following officers be added to those empowered in paragraph 2, clause *(1)* of the Resolution of the Government of India in the Foreign Department No. 3001-I.A., dated the 27th June 1903, to grant licenses for the export of arms and ammunition to the Native States under their political charge:

The Collector and Political Agent, Surat.

The Collector and Political Agent, Satara.

The Collector and Political Agent, Thana.

The Collector and Political Agent, Kolaba.

The Collector and Political Agent, Dharwar.

The Collector and Political Agent, Kaira.

The Collector and Political Agent, Sholapur.

The Collector and Political Agent, Poona.

The Collector and Political Agent, Nasik.

The Collector and Political Agent, Bijapur.

The Collector and Political Agent, Sukkur.

The Political Agent in Manipur.

The Deputy Commissioner in the Khasi and Jaintia Hills.

S. H. BUTLER,

Offg. Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE.

Simla, the 8th May, 1908.

No. 4501—162.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following amendments shall be made in the rules published in the Notification of the Government of India in the Department of Finance and Commerce, No. 1429-C.—S.R., dated the 30th March 1899, as amended by subsequent Notifications.

In explanation below rule 127 for "the words 'On His Majesty's Service' printed in full round the impressed stamp" substitute "the inscription 'On H. M. S.' printed immediately above the impressed stamp."

For rule 143 substitute the following:

143. The envelopes and wrappers specified below shall be sold at the following prices, namely:

A.—SQUARE ENVELOPES.

(1)—Half-anna.

		Rs.	A.	P.
For 1 envelope ...	... ...	0	0	8
For 2 envelopes ...	... ...	0	1	3
For 3 envelopes ...	... ...	0	2	0
For 4 envelopes ...	... ...	0	2	6
For 5 envelopes ...	... ...	0	3	0
Packets of 20 ...	Per packet	0	12	0

(2)—One anna.

		Rs.	A.	P.
Any number of less than 8 ...	... ... Each	0	1	2
Packets of 8 ...	Per packet	0	9	3

B.—OBLONG ENVELOPES.

(1) Commercial, half-anna.

		Rs.	A.	P.
For 1 envelope ...	... ...	0	0	7
For 2 envelopes ...	... ...	0	1	2
For 3 envelopes ...	... ...	0	1	9
For 4 envelopes ...	... ...	0	2	3
For 5 envelopes ...	... ...	0	2	9
Packets of 20 ...	Per packet	0	11	0

(2) Surcharged, One anna.

		Rs.	A.	P.
Any number less than 12 ...	... ... Each	0	1	2
Packets of 12 ...	Per packet	0	14	0

(3) Two and a half annas.

		Rs.	A.	P.
Any number less than 12 ...	... ... Each	0	2	8
Packets of 12 ...	Per packet	2	0	0

C.—REGISTRATION ENVELOPES.

(1) Small size.

		Rs.	A.	P.
Any number less than 16 ...	... ... Each	0	2	2
Packets of 16 ...	Per packet	2	2	6

(2) Large size.

		Rs.	A.	P.
Any number less than 8 ...	... ... Each	0	2	8
Packets of 8 ...	Per packet	1	5	3

WRAPPERS.

(1) Half anna.

		Rs.	A.	P.
Any number less than 6 ...	... ... Each	0	0	7
Packets of 6 ...	Per packet	0	3	6

(2) One anna.

		Rs.	A.	P.
Any number less than 6 ...	... ... Each	0	1	1
Packets of 6 ...	Per packet	0	6	6

EMIGRATION.

The 7th May, 1908.

No. 4403—32.—The following draft of a Notification which it is proposed to issue in exercise of the powers conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), is published, as required by section 81 of the said Act, for the information of persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration by the Governor-General in Council on or after the 9th June 1908.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 80 of the Indian Emigration Act, 1883 (XXI of 1883), the Governor-General in Council is pleased to direct that the following amendment may be made in the rules published with the Notification of the Government of India in the Department of Revenue and Agriculture, No. 94-E., dated the 18th March 1886, as subsequently amended, namely:

In the column of remarks against the entry "Milk, preserved" in Schedule G, Scale No. 2 (C)—of Medical Comforts, *for* the words "1st Swiss," the word "Ideal" shall be substituted.

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 8th May 1908.

PROMOTIONS.

INDIAN ARMY.

No. 356.—The following promotions are made, subject to His Majesty's approval:—

* * * * * * * *

Captains to be Majors.

3rd May 1908.

* * * * * * * *

George Philip Roberts Beaman, 69th Punjabis.

CANTONMENTS.

No. 373.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by sections 25 and 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (i), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 13th June 1908.

Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by sections 25 and 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to direct that the following amendments shall be made in the Cantonment Code, 1899, namely:

DRAFT AMENDMENT TO SECTION 89 OF THE CANTONMENT CODE, 1899.

Section 89.—At the end of sub-section (2), the following shall be added:

"The notice shall specify the purpose for which it is intended to use the buildings."

In the *explanation*, after clause (*d*), the following shall be inserted as cause (*e*) the existing clauses (*e*) and (*f*) being renumbered (*f*) and (*g*) respectively:

"(*e*) the conversion into a stable, cattleshed or cow-house of any building originally constructed for human habitation."

No. 374.—The following draft of a notification, which it is proposed to issue, in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (i), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 13th June 1908. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889, (XII of 1889) and in modification of the notification of the Government of India in the Military Department No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below:

Section 167.—The following shall be added at the end of the section:—

"Provided fourthly, that in Cantonments to which the Indian Petroleum Act, 1889, (VIII of 1899), extends, no person shall be required to obtain a license for the sale or storage of petroleum in any case in which a license is required by the said Act to be taken out, save in accordance with the provisions of the said Act, and of the rules framed thereunder."

Section 168.—In clause (*n*) of the word "petroleum," the words "(in cases in which a license is required under this Code)" shall be added.

The proviso at the end of this clause shall be omitted.

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA", DATED MAY 9, 1908.

MODE OF EXECUTING CERTAIN CLASSES OF DEEDS, CONTRACTS AND OTHER INSTRUMENTS ON BEHALF OF HIS MAJESTY'S SECRETARY OF STATE FOR INDIA IN COUNCIL.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

JUDICIAL.

NOS. 592-95.

Simla, the 8th May, 1908.

RESOLUTION.

In exercise of the powers conferred by section 2 of the East India Contracts Act, 1870 (33 and 34 Vict., C 59), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct that the following be substituted for

clause II of Part J of the Resolution of the Government of India in this Department, No. 226-9, dated the 21st February 1908, relating to the execution of deeds, contracts and other instruments on behalf of His Majesty's Secretary of State for India in Council:—

II. Contracts and other instruments for the purchase, supply, conveyance or carriage of building materials, stores, machinery, &c., and the provision of labour for building or other work, and such like engagements.	By Collectors of Districts, Sub-Collectors, Assistant and Deputy Collectors in charge of Divisions; Inspector-General, Deputy Inspectors-General, and Superintendents of Police; Commissioner of Police, Madras; Inspector-General of Jails; Inspector General of Registration; Superintendent of Stationery; and the Presiding Port Officer and Port Officers.

ORDER.—Ordered that the above Resolution be communicated to the Government of Madras for information with reference to their letter No. 1894-I, dated the 9th April 1908, and to the Finance Department, and the Department of Commerce and Industry for information; and that it be published in the Supplement to the *Gazette of India*.

H. A. STUART,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore 22-5-08—792

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MAY 29, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 16, 1908.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 14th May, 1908.

No. 5.—Mr. H. P. Tollinton, of the Indian Civil Service, is appointed to officiate as Deputy Secretary to the Government of India in the Legislative Department during the absence on leave of Mr. R. Sheepshanks, I.C.S., Barrister-at-Law, or until further orders.

J. M. MACPHERSON,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.

JUDICIAL.

Simla, the 13th May, 1908.

No. 620.—In exercise of the power conferred by section 6, sub-section (*1*), of the Poisons Act, 1904 (I of 1904), the Governor General in Council is pleased to apply to the poisons specified below all the provisions of the said Act relating exclusively to white arsenic :—

I.—Sulphides of arsenic—

(*a*) Red sulphide (Realgar).

(*b*) Yellow sulphide (Orpiment).

II.—Impure sulphides of arsenic—

(*c*) Black arsenic.

(*d*) Impure orpiments—

(1) White sulphuret.

(2) Pink sulphide.

(3) Brown sulphide.

III.—Green arsenic—

(*e*) Arsenite of copper (Scheele's green).
(*f*) Aceto-arsenite of copper (Schweinfurth's green).

IV.—Aconite.

V.—Perchloride of mercury (corrosive sublimate).

H. A. STUART,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 14th May, 1908.

No. 92.—The Governor General in Council is pleased to order the following promotions and reversions to and in the classes of Chief and Superintending Engineers of the Public Works Department, with effect from the dates specified :—

Names.	From	To	With effect from
* *	* * *	* * *	1907. * *
Bagley, W. A. ...	Superintending Engineer, 3rd Class, *temporary rank.*	Officiating Superintending Engineer.	11th December.
Bagley, W. A. ...	Officiating Superintending Engineer.	Executive Engineer, 1st grade	16th December.
* *	* * *	* * *	* *
Farrant, J. T. ...	Officiating Chief Engineer ...	Chief Engineer, 2nd Class, *temporary rank.*	1908. 13th January.
* *	* * *	* * *	* *
Purves, R. E. ...	Officiating Superintending Engineer.	Superintending Engineer, 3rd Class, *temporary rank.*	13th January.
Scratchley, A. J. ...	Superintending Engineer, 2nd Class.	Superintending Engineer, 1st Class, *temporary rank.*	8th February.
* *	* * *	* * *	* *
Tickell, R. H. ...	Superintending Engineer, 3rd Class.	Superintending Engineer, 2nd Class, *temporary rank.*	25th February.
* *	* * *	* * *	* *
Gordon, W. B., C.I.E. ...	Officiating Chief Engineer ...	Chief Engineer, 2nd Class, *temporary rank.*	9th April.
* *	* * *	* * *	* *
Gwyther, F. E. ...	Superintending Engineer, 3rd Class, *temporary rank.*	Superintending Engineer, 3rd Class, permanent.	9th April.
* *	* * *	* * *	* *

L. M. JACOB,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 15th May, 1908.

No. 1421-*F.*—With reference to the notification in the Public Works Department, No. 89, dated the 7th May, 1908, the services of Mr. T. R. J. Ward, C.I.E., Executive Engineer, Punjab, are re-placed at the disposal of the Public Works Department, with effect from the 10th May 1908.

S. H. BUTLER,
Offg. Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE.

No. 4548—4551-164.

Simla, the 11th May, 1908.

RESOLUTION—By the Government of India, Department of Commerce and Industry.

The Governor General in Council is pleased to direct that, with effect from the 1st June 1908, the following Rule and Note shall be substituted for Rule 27 of the Rules for the guidance of the depositors in the Post Office Savings Banks and the Note thereunder published with the Resolution in this Department, No. 509, dated the 11th March 1906, as amended by subsequent Resolutions :—

27. Should any person other than the father, or if the father is dead, the mother, wish to withdraw money from an account opened on behalf of a minor and claim to do so as guardian of such minor, he will be required to fill in, on a form prescribed by the Director General, answers to the following questions and such other questions as may be considered necessary, and will only be allowed to withdraw money on the order of the Postmaster General in accordance with Rule 41 :—

(*a*) What is your relationship to the minor ?

(*b*) Is the father or mother of the minor dead, or are both parents dead ? What near relatives of the minor are alive ?

(*c*) Have you been appointed guardian of the minor by will or deed or under any enactment in force in British India ? (If the reply to this question is in the affirmative, the applicant should produce the documents on which he relies to support his claim.)

(*d*) Are you an adult relative of the minor, and does he reside with you or is he maintained by you ?

NOTE.—In the case of withdrawals made from accounts opened on behalf of male minors, the father or other guardian of the minor must sign the following certificate on the application for withdrawal :—

" Certified that the amount sought to be withdrawn is required for the use of the minor."

In the case of withdrawals made from accounts opened on behalf of female minors, the father, or the husband or other guardian of the minor must sign the following certificate on the application for withdrawal:

" Certified that the amount sought to be withdrawn is required for the use of the minor who is not married.* / who is my legally married wife.† "

* To be scored through in the case of the husband.

† To be scored through in the case of a person other than the husband.

ORDER.—Ordered that the Resolution be communicated to the Director General of the Post Office of India, the Comptroller and Auditor General and the Comptroller, Post Office.

Ordered also, that the Resolution be published in the *Gazette of India*, for general information.

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 15th May, 1908.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 376.—The undermentioned officers having completed five years' service in the Cantonment Magistrates' Department are promoted to the grade of Rs. 400 per mensem staff pay, with effect from the date specified :—

* * * * * * * *

Major A. B. Sangster, 11th May 1908.

* * * * * * * *

LONDON GAZETTE.

No. 377.—The following extracts are published for general information :—

"*London Gazette,*" *dated* 10*th April* 1908, *pages* 2759, 2760, 2761 *and* 2762.

INDIA OFFICE;

April 10*th*, 1908.

* * * * * * * *

The KING has approved of the following promotions among officers of the Indian Army, Indian Medical Service, Indian Civil Veterinary Department, Indian Subordinate Medical Department and Indian Army Departments, and admissions to the Indian Army and Indian Medical Service :

* * * * * * * *

INDIAN MEDICAL SERVICE.

Captains to be Majors.

* * * * * * * *

Dated 29th January 1908.

* * * * * * * *

Hugh Ainsworth, M.B.

* * * * * * * *

Lieutenants to be Captains.

Dated 1st February 1908.

* * * * * * * *

Norman Methven Wilson.

* * * * * * * *

The KING has approved of the retirement from the service of the following officers :—

* * * * * * * *

INDIAN MEDICAL SERVICE.

* * * * * * * *

Lieutenant-Colonel John Charles Lamont, M.B. Dated 10th March 1908.

* * * * * * * *

"*London Gazette,*" *dated* 24*th April* 1908, *pages* 3083 *and* 3084.

INDIA OFFICE,

April 24*th*, 1908.

The KING has approved of the following promotions among officers of the Indian Army, and admissions to the Indian Army :—

Captains to be Majors.

Dated 1st March 1908.

* * * * * * * *

Henry Cecil Beadon, Supernumerary List.

* * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 394.—Captain William Herbert Greenland Padfield resigns his commission. Dated 1st April 1908.

Simla Volunteer Rifles.

No. 395.—Second-Lieutenant Edward Seymour Leslie Morton to be Captain, *vice* Sparke transferred to the Supernumerary List. Dated 1st April 1908.

Frederick Joseph Wood to be Second-Lieutenant, *vice* Morton promoted. Dated 1st April 1908.

Arthur Roylance Jelf to be Second-Lieutenant, to fill an existing vacancy. Dated 1st April 1908.

CANTONMENTS.

REGULATIONS.

No. 403.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by sections 25 and 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 20th June 1908. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

DRAFT NOTIFICATION.

In exercise of the powers conferred by sections 25 and 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to direct that the following amendments shall be made in the Cantonment Code, 1899, namely:

1. In *section 2, sub-section* (1), *clause* (*m*), for the words 'meat, fish, fruit, vegetables, milk or any other perishable" the word "any" shall be substituted.

2. To *section* 4 the following shall be added, namely:

"and may similarly revoke any appointment so made."

3. In *section* 21 the third proviso is hereby cancelled.

4. To *section* 23 the following shall be added, namely:

"*Explanation.*—In this section the word 'sweeper' includes any menial employed by the cantonment authority in the removal or disposal of filth or rubbish."

5. In *section* 29, *sub-section* (1), after clause (*a*) the following shall be inserted, namely:

"(*b*) the payment of such allowances to officers performing the duties of Cantonment Magistrates, as the Commander-in-Chief in India, with the concurrence of the Local Government, may determine."

6. In *section* 36, *sub-section* (2), *clause* (*a*), *sub-clauses* (*i*) *and* (*ii*), for the words "one hundred rupees" where they occur the words "five hundred rupees" shall be substituted.

7. In *section* 65—

(*a*) in *clause* (*a*), after sub-clause (xiv) the following shall be inserted, namely:

"(xv) carries nightsoil or other offensive matter or rubbish at hours, or by roads, prohibited by the cantonment authority by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the cantonment authority, or who fails to close such cart or receptacle, when in use;"

(*b*) in *clause* (*c*), after the words "deposits, or permits his servant to deposit," the words "earth or materials of any description or" shall be inserted; and

(*c*) for *clause* (*k*) the following shall be substituted, namely:

"(*k*) discharges fire-arms or lets off fire-works or fire-balloons, or flies kites, or engages in any game, in such a manner as to cause or be likely to cause danger or annoyance to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property."

8. For *section* 76 the following shall be substituted, namely:

Cesspools, receptacles for filth, etc.

"76. The Cantonment Magistrate may, by notice in writing,—

(*a*) require any person having the control, whether as owner, lessee or occupier, of any land or building—

(i) to close any offensive cesspool belonging to the land or building, or

(ii) to provide a receptacle (of a pattern, if any, approved of by the cantonment authority) for filth or sullage water accumulating on or in the land or building, or

(iii) to keep in a cleanly condition (in such manner, if any, as may be prescribed by the notice) any receptacle provided for such filth, or

(iv) to prevent the water of any private latrine, urinal, sink or bathroom, or any other offensive matter, from soaking, draining, flowing or being put from the land or building upon any street or public place or into any water-course or into any drain not intended for the purpose; or

(*b*) require any person who has the control, whether as owner, lessee or occupier, of any land or building, and has allowed any offensive matter or rubbish to accumulate or remain thereon or therein, to collect the same and deposit it, for removal by the public conservancy establishment, at such times and in such receptacles or places situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice; or

(*c*) require any person to desist from making or altering any drain leading into a public drain; or

(*d*) require any person who is creating or likely to create a nuisance by—

(i) altering, obstructing or encroaching upon a public drain, or

(ii) impeding the flow of water owing to the absence of a culvert or the existence of an insufficient culvert under a path leading to his premises, to desist therefrom; or

(*e*) require any person having the control of a drain to remove, within a period to be specified in the notice, any obstruction from the same, or to cleanse, purify, repair or alter the same or otherwise put it in good order; or

(*f*) require any person, being the owner or having the control of any well, to disinfect or otherwise purify the same or protect it against contamination, in such manner and within such period as may be specified in the notice.

Private latrines. "76 A. The cantonment authority may, by notice in writing, –

(*a*) require the owner or other person having the control of any private latrine or urinal not to put the same to public use; or,

(*b*) where any plan for the construction of private latrines or urinals has been approved of by the cantonment authority and copies thereof may be obtained free of charge on application,—

(i) require any person repairing or constructing a private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Cantonment Magistrate and approved of by him as conforming with that plan, or

(ii) require any person having the control of a private latrine or urinal to rebuild or alter the same in accordance with that plan; or

(*c*) require the owner or other person having the control of any private latrine or urinal which, in the opinion of the cantonment authority, creates a nuisance, to remove the latrine or urinal, and to substitute fresh earth, to such a depth, not exceeding two feet, as may be specified in the notice, for the earth on which the latrine or urinal stood; or

(*d*) require any person having the control, whether as owner, lessee or occupier, of any land or building,—

(i) to have any latrine provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling or working in the neighbourhood, or

(ii) to cleanse with deodorants any latrine or urinal belonging to the land or building; or,

(*e*) where any land or building is situate within one hundred feet of a public drain or other place set apart for the discharge of drainage and the drains belonging to the land or building are, in the opinion of the cantonment authority, insufficient, require any person having control of the land or building, whether as owner or lessee, or, in the case of neighbouring lands or buildings, the several lessees or owners having control of the lands or buildings conjointly, to provide sufficient drainage within fifteen days from the service of the notice; or

(*f*) require any person who is constructing or laying a drain, to obey any directions which the cantonment authority may, on the advice of the Executive Engineer, think fit to give in order to ensure the completion of the work to its satisfaction; or

(*g*) require any person, being the owner and having the control of any drain, to provide and apply to the same, within ten days from the service of the notice, such covering as may be specified in the notice."

9. In *section 78 sub-section* (*1*), after the word "filth" the words "or sullage water" shall be inserted.

10. In *section 84*, for the words "cantonment authority" the words "Cantonment Magistrate" and for the words "appears to it" the words "appears to him" shall be substituted.

11. After *section 86* the following shall be inserted, namely:

"86A. The cantonment authority may, by order in writing, permit the temporary occupation of any street or land vested in it, for the purpose of depositing any building materials, or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling in the neighbourhood and may charge fees for such permission, and may, in its discretion, withdraw the permission." [Act XVIII, 1889, s. 61.]

Temporary occupation of street, land, etc.

12. In *section 89, sub-section* (*1*),—

(*a*) for clauses (*c*) and (*d*) the following shall be substituted, namely:—

"(*c*) the ventilation of the building, the minimum cubic area of the rooms, and the number and height of the storeys of which the building may consist;

"(*d*) the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth";

(*b*) the word "and" at the end of *clause* (*e*) shall be omitted; and

(*c*) after *clause* (*f*) the following shall be inserted, namely:—

"and

(*g*) the means to be provided for egress from the building in case of fire."

13. In *section 94*,—

(*a*) After the words "or in any way dangerous" the words "either, in the case of an occupied building to the occupier or to the public" shall be inserted; and

(*b*) for the words "for the public safety" the words "for the safety of the occupier or of the public" shall be substituted.

14. In *sections 95 and 97*, for the words "cantonment authority" where they occur the words "Cantonment Magistrate" shall be substituted.

15. In *section 98*, for the words "Officer Commanding the Division" the words "Commander-in-Chief in India" shall be substituted.

16. In *section 100*, the words "and to remove any dead trees from such land" shall be added to *clause* (*b*).

17. In *section 102*,—

(*a*) for the words "cantonment authority" the words "Cantonment Magistrate" shall be substituted; and

(*b*) at the end of the section the following shall be added, namely:—

"and may require him by notice in writing to restore the land to the condition it was in previous to such improper use:

"Provided that, where such use of the land has continued for thirty days, the owner, lessee or occupier shall not be required so to restore the land to its previous condition."

18. In *section 103*, the word "grass" shall be omitted.

19. In *section 105, sub-section* (*1*), *clause* (*a*), for the words "the officer in charge of the police-station within the jurisdiction of which the sarai is situated" the words "the Cantonment Magistrate" shall be substituted.

20. In *sections 114 and 124*, for the words "free of charge" where they occur the words "on payment of the prescribed fee, if any," shall be substituted.

21. In *section 136*, for the words "cantonment authority" the words "Cantonment Magistrate" shall be substituted.

22. In *section 137*, after the word "lamp" the words "placed on the right side thereof" shall be inserted.

23. In *section 167*,—

(*a*) to clause (*e*) the following shall be added, namely :—

"and makers or sellers of ghi;"

(*b*) after *clause* (*p*) the following shall be inserted, namely :—

"(*q*) sellers of wheat, rice and other grains, or flour used as human food;

(*r*) makers or sellers of sugar or sweetmeats;

(*s*) hawkers and pedlers"; and

(*c*) for the *second proviso* the following shall be substituted, namely :—

"Provided, secondly, that such fee shall be payable for the grant of the license as the cantontment authority may fix."

24. In *section 168*,—

(*a*) after the words "trade, calling or occupation" the following shall be inserted namely :—

"and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption";

(*b*) in *clause* (*e*), after the word "buttermen" the words "and sellers of ghi" shall be inserted;

(*c*) for *clause* (*f*) the following shall be substituted, namely :—

"(*f*) in the case of makers of bread, biscuits, cake or sweetmeats and sellers of bread, biscuits or cake made in India or sweetmeats;" and

(*d*) in sub-clause (*ii*) of the same clause, after the word "cake" the words "or sweetmeats" shall be inserted.

25. In *section 185* for the words "officer in charge of the nearest police-station in the cantonment" the words "Cantonment Magistrate" shall be substituted.

26. In *section 193*, for the words "cantonment authority" the words "Cantonment Magistrate" shall be substituted.

27. To *section 204* the following shall be added, namely :—

"(3) No person who has been prohibited under sub-section (1) from remaining in or re-entering any cantonment, shall enter any other cantonment in British India without the written permission of the Commanding Officer in that cantonment."

28. In *section 206, sub-section* (1), for the words "cholera hospital or cholera camp" the words "hospital or segregation camp" shall be substituted.

29. In *section 219*, after the word "authority" the following shall be inserted, namely :—

"or without payment of such fees as the cantonment authority may fix in that behalf."

30. In *section 226*, to sub-section (1) the words "in writing" shall be added.

31. In *section 285*, for sub-section (2) the following shall be substituted, namely :—

"(2) Any money claimable by the cantonment authority under this Code, otherwise than on account of a tax, may be recovered on application to a Magistrate having jurisdiction within the limits of the cantonment, or in any other place where the person from whom the money is claimable may for the time being be resident, by distress or sale of any moveable property within the limits of his jurisdiction belonging to such person.

"(3) When money is recoverable from the owner of property, it shall, until it is paid, be a charge on the property."

32. After *section 288* the following shall be inserted, namely:—

"288A. In cases of emergency the Cantonment Magistrate may direct the execution of any work or the doing of any act which the cantonment authority is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing such work shall be paid from the cantonment fund ; [Act XX, 1891, s. 176.]

Execution of work in cases of emergency.

Provided that—

(*a*) he shall not act under this section in contravention of any order of the committee, and

(*b*) every direction given under this section shall be reported to the next following meeting of the committee."

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—29-5-08—792.

Government Gazette

PUNJAB AND ITS DEPENDENCIES

Published by Authority.

LAHORE, FRIDAY, JUNE 5, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED MAY 16, 1908.

No. 4695—4715-5.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCIAL EXHIBITIONS.

Simla, the 15th May, 1908.

RESOLUTION.

The following papers relative to the Mining Exhibition to be held at Olympia in July next are published for general information. The Government of India have decided not to participate in the Exhibition.

THE WORLD'S GREAT MINING EXHIBITION TO BE HELD AT OLYMPIA, JULY 11TH TO 31ST, 1908.

Regulations and form of application for space.

No exhibits will be allowed unless pertaining to the Mining Industry.

Exhibitors may not sublet any part of their stands without the written permission of the Manager.

Exhibitors will be permitted to erect benches or other contrivances for displaying their exhibits. All stands must be covered behind so as to hide any unseemly defects, be in accordance with the requirements of the Manager and the London County Council, and not exceed twelve feet in total height. No signs will be allowed to be hung from the roof. *All woodwork used in the erection of stands must be not less than 1 inch thick, and any draping used must be fireproofed.*

Exhibitors will be permitted to employ persons to explain their exhibits, and such persons may receive orders, but will be prohibited from soliciting them to the annoyance of other Exhibitors or the Public. No Exhibitor may distribute circulars or other matter except from his own stand. In the event of any breach of these regulations the Manager reserves to himself the right to exclude from the premises any individual thus violating the Rules. No person will be allowed to solicit orders who does not occupy a stand in the Exhibition.

No exhibit may be removed until after the close of the Exhibition, and Exhibitors will be responsible for the removal of their exhibits within five days after the close of the Exhibition, also for making good to the satisfaction of the Manager any damage to the floor or other part of the building.

The Manager will not be responsible for the safety of articles exhibited, but will use every effort to protect them while under his charge. The cost of conveying goods to and from the Exhibition must be borne by the Exhibitor; also all charges made by the Hall Company for removal of straw and rubbish.

Exhibitors desiring to insure their goods against fire, burglary and damage, can effect the same on application to the Manager, at his office, 43, Essex Street, Strand, London, W. C.

Twelve days will be allowed for the delivery and arranging of exhibits. Adjacent gangways must be cleared of Exhibitors' materials not later than 6 P.M., and exhibits be completely ready not later than 10 P.M., on the day preceding the opening of the Exhibition; failing which the Manager shall have full power to deal with the exhibit in any way he may deem desirable in the interests of the Exhibition.

Terms:—Fifty per cent. of the price of space must be paid on allotment, and the balance by 30th June. No exhibits will be permitted to be shown until all charges have been paid.

APPLICATION FOR SPACE.

This form should be returned to H. Greville Montgomery, 43, Essex Street, Strand London, W. C.

THE WORLD'S GREAT MINING EXHIBITION, OLYMPIA.

July 11th to 31st, 1908.

Date ____________ 190

You are hereby requested to allot space as follows ____________

____

for the purpose of showing Exhibits during the above period, for which ____________ *agree to pay £* ____________ *and for which* ____________ *will send Cheque* on allotment for £* ____________ *being half the agreed charge, the balance to be paid by June 30th, 1908. And* ____________ *further agree to the Regulations and Conditions as attached.*

Signed ____________

____

____

* *All Cheques and Post Office Orders should be made payable to the order of* H. GREVILLE MONTGOMERY *and Crossed Capital and Counties Bank. Receipts on official form will alone be recognised.*

ORDERED that the foregoing papers be published in the Supplement to the *Gazette of India* for general information, and that copies be forwarded to the Local Governments and Administrations named in the margin for information, and to the Foreign Department, for information and communication to Native States.

The Government of Madras.
" " Bombay.
" " Bengal.
" " the United Provinces.
" " the Punjab.
" " Burma.
" " Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner, Central Provinces.
The Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.
The Chief Commissioner of Coorg.
" " " , Ajmer-Merwara.

Ordered, also, that a copy be forwarded to all Chambers of Commerce, for information.

B. ROBERTSON,
Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED MAY 23, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

PUBLIC.

Simla, the 22nd May, 1908.

No. 1201.—In exercise of the power conferred by section 10 of the Indian Arms Act 1878 (XI of 1878), the Governor-General in Council is pleased to prohibit the transmission by post of firearms and ammunition into or within any part of Burma.

This notification shall not apply to arms or ammunition transmitted on account of the Government.

ESTABLISHMENTS

The 19th May 1908.

No. 518.—The Honourable Sir Thomas Gordon Walker, K.C.I.E., C.S.I., is permitted to resign His Majesty's Indian Civil Service, with effect from the 25th May 1908.

The 20th May 1908.

No. 537.—The Honourable Sir Thomas Gordon Walker, K.C.I.E., C.S.I., has obtained permission from His Excellency the Governor-General of India to resign, from the 25th May 1908, the office of Lieutenant-Governor of the Punjab and its Dependencies. His Excellency is pleased to direct, as a mark of respect due to the character and services of Sir Thomas Gordon Walker, that all the honours and distinctions to which he is now entitled as Lieutenant-Governor of the Punjab shall be continued to him from the 25th May until the date of his embarkation for Europe.

H. A. STUART,
Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

FAMINE.

Simla, the 19th May, 1908.

No. 804—8-6.—With reference to Rule 3, Clause (*b*), of the rules published with the Notification of the Government of India in the Department of Revenue and Agriculture No. 1616-F., dated the 25th July 1900, the Government of the Punjab has appointed the Honourable Mr. J. Wilson, C.S.I., Financial Commissioner of the Punjab, to be a member of the Board of Management of the Indian People's Famine Trust, *vice* Sir Lewis Tupper, C.S.I., K.C.I.E.

R. W. CARLYLE,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 19th May, 1908.

No. 94.—With reference to Public Works Department Notification No. 89, dated the 7th May 1908, the services of Mr. T. R. J. Ward, C.I.E., Executive Engineer, Punjab, are replaced at the disposal of the Government of the Punjab, Public Works Department, with effect from the 10th May 1908.

No. 95.—With reference to Public Works Department Notification No. 67, dated the 7th April 1908, the services of Mr. O. C. Lees, Superintending Engineer, 1st class, are replaced at the disposal of the Government of Burma, with effect from the afternoon of the 25th April 1908.

L. M. JACOB,
Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

STAMPS.

Non-judicial.

Simla, the 18th May 1908.

No. 2937 *Exc.*—In exercise of the powers conferred by section 9, clause (*a*), of the Indian Stamp Act, 1899 (II of 1899), the Governor-General in Council is pleased to reduce the duty leviable under Article 40 (*a*) of Schedule I thereof, on any agreement which has been or may be entered into under the rules prescribed by the Resolution of the Government of India in the Finance Department (Military Finance) No. 2195-Accts., dated the 25th October 1907, regulating the deposit of regimental funds with private banks or firms, or such other rules for that purpose as may hereafter be in force, to the duty payable on a bond for the like amount or value, or to Rs. 5, whichever shall be less.

J. S. MESTON,
Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 22nd May, 1908.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 405.—The services of Major N. T. Parker, Cantonment Magistrates' Department, are placed at the disposal of the Punjab Government for employment as a Cantonment Magistrate.

PROMOTIONS.

INDIAN ARMY.

No. 418.—The following promotions are made, subject to His Majesty's approval :—

Lieutenants to be Captains.

* * * * *

20th May 1908.

* * * * *

James Cosmo Russell, 9th Hodson's Horse.

* * * * *

VOLUNTEER CORPS.

MEDALS AND DECORATIONS.

No. 433.—His Excellency the Governor-General of India is pleased to confer the Volunteer Officers' Decoration upon the undermentioned officers :—

1st Punjab Volunteer Rifles.

Honorary Captain and Paymaster Charles Herman Oertel.

* * * * *

A. W. L. BAYLY,
Secretary to the Government of India.

Punjab Government Press, Lahore—5-6-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JUNE 12, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 30, 1908.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENTS.

Simla, the 27th May, 1908.

No. 560.—The Honourable Sir Louis William Dane, K.C.I.E., C.S.I., received charge of the office of Lieutenant-Governor of the Punjab and its Dependencies from the Honourable Sir Thomas Gordon Walker, K.C.I.E., C.S.I., on the forenoon of the 25th May 1908.

H. A. STUART,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

FAMINE.

Simla, the 29th May, 1908.

No 841—8-7.—With reference to rule 3 of the rules published with the Notification of the Government of India in the Department of Revenue and Agriculture, No. 1616-F., dated the 25th July 1900, as amended by the Notification in the same Department, No. 1321, dated 5th June 1902, the Governor-General in Council is pleased to appoint the Hon'ble Mr. J. O. Miller, C.S.I., Member of the Executive Council of the Governor-General and a Member of the Board of Management of the Indian People's Famine Trust, to act as Chairman of the Board of Management of the Trust during the absence from India of the Chairman, the Hon'ble Sir F. W. Maclean, Kt., K.C.I.E., K.C., Chief Justice of the High Court of Judicature, Bengal.

R. W. CARLYLE,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

LEAVE AND APPOINTMENTS.

Simla, the 26th May, 1908.

No. 3106 *E. O.*—Mr. W. H. Michael, Accountant-General, Punjab, is, with effect from the 15th May 1908, granted privilege leave for two months and twenty-two days and furlough for three months and eight days in continuation.

Mr. W. S. Adie, I.C.S., is appointed to officiate as Accountant-General, Punjab, during the absence on leave of Mr. W. H. Michael, or until further orders.

J. S. MESTON,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

TELEGRAPHS.

Simla, the 28th May, 1908.

No. 5019—135.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following alterations shall be made in the rules bearing the same numbers, published with the notification of the Government of India in the Public Works Department, No. 298 (Telegraphs), dated the 22nd of September 1904, namly :

In Rule 206, the words " (For exception, see rule 330) " shall be cancelled.

Rule 330 shall be cancelled.

LEAVE AND APPOINTMENTS.

POST OFFICE.

The 29th May 1908.

No. 5032—176.—Mr. H. A. Sams, I.C.S., Postmaster-General, 2nd grade, is confirmed in that appointment.

B. ROBERTSON,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE " GAZETTE OF INDIA, " DATED MAY 30, 1908.

No. 3092-Exc.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

SEPARATE REVENUE.

EXCISE.

Simla, the 28th May, 1908.

ERRATA.

In the penultimate sentence of paragraph 12 of the Resolution in this Department, No. 5086 Exc., dated the 15th August 1907, for the words "*tari* or foreign liquor" substitute the words "or *tari*".

2. In the last sentence of the same paragraph, omit the words "in regards to country spirit or *tari*".

ORDERED that the errata be published for general information in the Supplement to the *Gazette of India*.

J. S. MESTON,

Secretary to the Government of India.

Punjab Government Press, Lahore—12-6-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JUNE 19, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED MAY 23, 1908.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 22nd May, 1908.

No. 99.—Mr. T. R. J. Ward, C.I.E., Executive Engineer, Punjab, is appointed to officiate as Superintending Engineer, with effect from the 11th May 1908, during the absence on leave of Mr. W. E. T. Bennett, and until further orders.

L. M. JACOB,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED JUNE 6, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

ECCLESIASTICAL.

Simla, the 1st June, 1908.

No. 247.—The following is substituted for rule XXXIV of part IV of the ecclesiastical rules and the two notes appended to that rule, which were published with the Home Department notifications, No. 178, dated the 21st May 1897, and No. 293, dated the 23rd July 1904:

XXXIV.—The rate of compensation for sittings for Protestant and Roman Catholic soldiers is fixed at Rs. 7 per seat per annum. Broken periods within a year shall be counted as a year; but when sittings are occupied consecutively for any period exceeding twelve months, payment will be made for the number of months in excess of the year for which the sittings are so occupied, at the rate fixed for the year.

" Note I.—The payments should, as far as possible, be regulated by the official year.

" Note II.—When a church has been built at Government expense or with the aid of a grant from Government, the pewage otherwise admissible will be reduced by the amount of interest calculated at 4 per cent. on the sum contributed by Government towards the cost of construction."

No. 267.—The Reverend H. A. C. Herbert, a junior chaplain on the Bengal (Lahore) ecclesiastical establishment, is permitted to resign the service, with effect from the 21st July 1908.

H. A. STUART,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE

NOTIFICATION.

FORESTS.

Simla, the 5th June, 1908.

No. 686—42-4-*F.*—*Addendum.*—In notification of this Department, No. 279-F., dated the 19th February 1908, for the words "with effect from the 6th May 1908," *read* "with effect from the afternoon of the 6th May 1908."

R. W. CARLYLE,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 3rd June, 1908.

No. 2261-*I.B.*—The services of Mr. M. L. Darling, Indian Civil Service, are replaced at the disposal of the Government of the Punjab, with effect from the 17th May, 1908, the date on which he relinquished charge of his duties as Private Secretary and Adviser to His Highness the Raja of Dewas, Senior Branch.

S. H. BUTLER,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

TELEGRAPH ESTABLISHMENT.

No. 5251—5252—87.

Simla, the 4th June, 1908.

RESOLUTION—By the Government of India, Department of Commerce and Industry.

In a Resolution No 3869-3873, dated the 22nd April 1908, the Government of India appointed a Committee to examine and report on the working of the new arrangement of the hours of duty in the Indian Telegraph Department, which was introduced on the 1st April 1908.

2. The Report of the Committee has now been received and is appended to this Resolution. The Committee have satisfied themselves that while modifications in detail are necessary, owing to the trying character of night work in India, the principle on which the new arrangement of hours is based is sound and workable, and the arrangement itself is a great improvement on the former system. The revised scheme of duties therefore, which the Committee recommend, retains the 50 hours week as the basis of the system, but provides that six hours of night work shall be treated as eight hours and that, in the case of a period of duty performed partly by night and partly by day, seven hours shall count as eight hours.

3. The Government of India accept the recommendations of the Committee. In the case of the offices visited by them detailed proposals for the arrangements of the hours of work have been made and these will be brought into force at once. In the case of other first-class offices, the Director-General of Telegraphs will take immediate steps to have duty-charts drawn up on the same principles.

4. The inquiries of the Committee were conducted in close communication with the members of the signalling establishment of seven of the principal telegraph offices of India and Burma, and the Government of India notice with pleasure that the staff, has in every instance accepted the conclusions unanimously arrived at by the Committee. They desire to acknowledge the thorough and careful manner in which the work of the

Committee has been done; and they believe that the new system, as modified by the Committee, will be found to be a great improvement on the former system both as regards the comfort of the staff and the prompt disposal of traffic.

ORDERED, that a copy of this Resolution be forwarded to the Director-General of Telegraphs for necessary action, and that it be published in the *Gazette of India.*

REPORT OF COMMITTEE APPOINTED BY RESOLUTION NO 3869-3873, DATED THE 22ND APRIL 1908, TO ENQUIRE INTO HOURS OF DUTY IN THE TELEGRAPH DEPARTMENT.

Introduction.—In compliance with the instructions conveyed in the Resolution of the Government of India in the Department of Commerce and Industry, No. 3869-3873, dated the 22nd April 1908, we have examined the working of the new arrangement of the hours of duty in the Telegraph Department and beg to submit the following report.

2. *Tours of Committee and method of enquiry.*—We commenced the enquiry on the 24th April and completed it on the 28th May, and during this period we visited the principal telegraph offices of the country in the order in which they are shown in the margin. As directed in the Government Resolution, a member of the local staff selected by the Superintendent in consultation with the men was associated with us at each centre, and these officials were of the greatest assistance to us in our enquiries. Full opportunity was given to the staff to submit any representations, written or verbal, which they desired to make, and about 70 of the men appeared before us at the several places and in a reasonable spirit acquainted us with their views, in addition to which printed statements of their case were handed to us by the staff at Madras, Allahabad, Rangoon and Lahore. The results of our enquiries at the different centres visited are embodied in separate memoranda, signed in each case by the local official who served on the Committee as well as by ourselves.

Calcutta.
Madras.
Bombay.
Agra.
Allahabad.
Rangoon.
Lahore.

3. *Brief description of scheme under enquiry.*—The scheme of duties under examination is based on the principle of dividing the staff of an office into small sets with equal periods of duty and arranging their hours of attendance with the object of ensuring that the number of men at work shall, at all times of the day and night, be proportionate to the actual amount of traffic. With proper supervision, therefore, it makes for the utmost efficiency and expedition in the disposal of traffic, while it has the important result of reducing to a minimum the proportion of the staff required for duty at night, when work is lightest. The duties of the several sets can readily be re-adjusted to suit variations in the traffic without disorganising the arrangements in the office, and a salient feature of this system is its elasticity and adaptability to any conditions. It thus enables the establishment of an office to be utilised to the best advantage, so that with the same staff a much larger outturn of work may be secured than was possible under the old system. Moreover, not the least favourable effect of the new system is that it introduces as much regularity as it is found possible to provide in the times for duty and rest for the staff by giving all the men a turn of each period of duty for 6 days in succession, instead of the constant harassing changes to which the men were subject formerly.

5. *Short account of watch system.*—Under the old system, the staff of an office was divided into 3 sets or watches, approximately of equal strength, which worked in rotation. In some offices "special" or fixed daily duties were assigned to a small proportion of the staff, but the three main duties, in the order in which they rotated for each set of men, were as follows:—

1st day	... 8 A.M.	to 4 P.M.	...	8 hours.
2nd day	... 9 P.M.	to 8 A.M.	...	11 ,,
3rd day	... 4 P.M.	to 9 P.M.	...	5 ,,

and so on every day in succession including Sundays. In addition, therefore, to the hours of attendance changing daily, the periods of duty and rest were very unequal. A term of attendance extending to 11 hours, during which the signallers were ordinarily permitted to sleep for 3 or 4 hours, occurred every third night and was succeeded by an interval of only 8 hours' relief, from 8 A.M. to 4 P.M., during which it was difficult for the men to get proper rest. The system, moreover, was not well adapted to the conditions of traffic, which, though fairly constant in volume at the same hours from day to day, fluctuates greatly during the different hours of the same day. It thus happened that the force on night

duty was in excess of actual requirements, while that on duty during the busiest portion of the day was usually inadequate to cope with the traffic, with the result that much of it was delayed and left over for disposal at night.

5. *Recommendation for permanent retention of new system.*—For these reasons, we are unanimously of opinion that the new system of arranging the hours of duty is thoroughly sound in principle, is undoubtedly superior to the old system of watches and should be maintained permanently, with the modifications which will shortly be explained.

6. *Objections of staff to new system.*—Turning now to the objections on the part of the staff to the scheme recently introduced, we found that they were at root the same everywhere and related chiefly to the uniform period of 8 hours which had been fixed for all duties, whether by night or by day. It was urged that 8 hours' continuous duty, rendered wholly or in great part by night, is excessive, especially when performed on 6 consecutive nights, and it was also represented that the duties for 14 to 22 and 15 to 23 hours are very exacting, including as they do, the busiest and most exhausting time of the day, *viz*, the afternoon and evening, and extending well into the night. In connection with the latter term of duty it appeared further that the men relieved at 23 hours find it difficult to get to their homes, particularly in the large cities. The officers of the Telegraph Department, whom we consulted, confirmed the statements of the staff on these points, and we may say at once that we are fully satisfied that substantial grounds exist for the representations made.

7. *Suggestions of staff.*—While these objections were consistently brought to our notice at every stage of our enquiry, the staff of the different offices were by no means of one opinion as to the remedy that should be adopted. We need not refer to all the various suggestions which we received, as many of them were obviously impracticable and few were seriously pressed. We may mention, however, that at Bombay we were asked to recommend the adoption of the 6 hours' watch system which is in force in the office of the Eastern Telegraph Cable Company there, but, as will be seen from the memorandum of our proceedings at that place, the system is wholly unsuited for Government Telegraph Offices, where the conditions of traffic are entirely different from those in the Eastern Telegraph Cable Company's Office. A feeling also existed at some offices in favour of a daily, instead of a weekly, rotation of duties, but this practically involved a reversion to the old system and the idea was abandoned, when we pointed out the intrinsic advantages of a weekly system of regular periods of duty and rest and explained how the new duties could be modified to meet the special difficulties in connection with night work which the staff are experiencing.

8. *Modifications in new scheme proposed by committee.*—As already observed, we are convinced of the necessity for introducing some modifications in the terms of duty now fixed and the question of the actual changes to be made has received our careful consideration. Regarding continuous night duty, we have made enquiries from many officers of the Telegraph Department, and, privately, from various other persons unconnected with that Department who were qualified to speak on the subject, and the almost unanimous opinion of those consulted is that 6 hours would be a reasonable term for such duty. We fully share this view and recommend that the period of continuous night duty should be fixed at 6 hours. As regards duties which are performed to any considerable extent by night, the conclusion at which we have arrived is that 7 hours would be a suitable term to fix. Our complete proposals for regulating the periods of duty are :—

(1) that *8 hours* should be the duration of all duties which commence at or after 5 hours and cease before 21 hours ;

(2) that *7 hours* should be the duration of all duties which begin before 19 and also terminate at or after 21 hours or which begin before and end after 5 houra ; and

(3) that *6 hours* should be the duration of all duties which commence at or after 19 hours and terminate before 5 hours.

9. *Effect on weekly term of duty.*—These proposals directly raise the question as to the total number of hours which should be considered a week's duty for a signaller. It appears, from a notice, dated the 23rd March 1908, issued by the Director-General of Telegraphs that the number is at present fixed at 50 hours, being 8 hours for each week day and 2 hours on Sundays, and we propose to retain this figure as the number of hours of work to be required weekly of each signaller, on the understanding that, in calculating the total, the periods of the 7 and 6 hours' duties shall be reckoned as equivalent to 8 hours, and subject also to our remarks below regarding the period of Sunday duty.

The amount of actual duty done per week works out, in the case of the offices embraced in our enquiry, approximately to 46 hours, and as this figure will increase as the proportion of men on night duty is reduced, it may fairly be estimated that the average number of hours of duty required under the scheme thus modified will, before long, amount to about 47 hours.

10. *Period of Sunday duty.*—With regard to the amount of Sunday duty to be rendered before overtime becomes admissible, we may observe that, while we propose to retain the existing period of 2 hours, we are entirly in favour of requiring an average attendance of 2 hours per Sunday, calculated over every 4 consecutive Sundays. Thus, if a signaller works for 8 hours on one Sunday, he should be exempted from duty on the following 3 Sundays, unless his services are absolutely required, in which case he should be paid for overtime. This arrangement involves no increase in the amount payable for overtime and is preferable to a compulsory attendance by the whole staff for 2 hours every Sunday, which has proved inconvenient to the men. It is clearly desirable that as much relaxation as possible should be given to the men on Sunday, and if the proposals for the reduction of Sunday work, which are now under the consideration of Government, are carried into effect, an average attendance of 2 hours by the entire staff will probably suffice to deal with the traffic in most offices, so that overtime should rarely be required on that day. In this connection, it may be added that the 4 chief holidays, *viz.*, Christmas Day, New Year's Day, Good Friday, and the King's Birthday, should be treated as Sundays and that the term of duty on those days should be fixed at 2 hours.

11. *Duty charts.*—Proceeding on the basis of our proposals, we have prepared duty charts for the offices to which our enquiries extended, with the object of showing how the staff in these offices can be arranged to meet the present requirements of the traffic. We propose to refer to two points connected with these charts, which are of course subject to alteration in the event of a change in the conditions of the traffic—

(1) *Split duties.*—No split duties have been proposed, as we consider it undesirable to require any portion of the signalling staff of the larger offices to attend more than once on the same day. In some of the smaller offices, however, where the work is light, it will probably be found advantageous, in the interests both of the staff and of the traffic, to allow split duties.

(12) *Night duty.*—If the term of night duty is fixed at 6 hours, as we have proposed, it will be necessary to arrange two duties for the night, one up to, and the other from, about 2 A.M. and some of the men comprising both those sets will thus be obliged to sleep on the office premises. The men themselves like this arrangement, and we consider it unobjectionable and even advantageous. Where signallers have to sleep on the premises, proper sleeping accommodation should of course be provided and this will involve little expenditure or trouble, as the number of men who will be on night duty will not be large and accommodation already exists at many offices. Our duty charts show that the number of men in the two night sets for the offices concerned is 22 per cent. of the total staff and that each signaller will have to perform night duty about two weeks in nine. It will be seen that the second of these duties is in reality a day duty in large part, but we have treated it for practical purposes as a night duty. The means which the new system provides for preventing accumulations on working wires by day should keep down at the lowest limit the volume of traffic for disposal by night and with the material reduction in the amount of night work which may be expected to result from the closing of 2nd class offices at 20 hours, instead of 21 hours, it will no doubt be possible to reduce still more appreciably the number of men on night duty and, as a consequence, the frequency with which each man's turn of such duty will recur.

12. *Recommendations applicable to all large offices.*—All our recommendations have been agreed to unanimously by the members of the staff who served on the Committee and by the men who appeared before us at the different centres which we visited. We are satisfied that they will adequately meet the difficulties experienced by the staff at those places in connection with the new arrangement of hours of duty and that they accord with the wishes of the general body of the men, a large number of whom have, in fact, signified their acceptance of these proposals in writing and applied to have them introduced as early as possible. The offices visited by us include the largest and most important in India, representing nearly two-fifths of the total signalling establishment, and in the circumstances we feel that we can confidently recommend the general adoption throughout the larger telegraph offices in the country of the principles which we have

proposed for regulating the periods of duty. These principles, though also applicable in the main to the smaller offices, will probably require some modification to suit the special local circumstances of such offices.

13. *Military telegraphists.*—We should mention that we considered also the effect of the new duties on military telegraphists, who are largely employed by the Telegraph Department. We had the opportunity of examining representatives of this class of the signalling establishment at Calcutta, Madras, Bombay, and Agra, and we enquired into their case at the Lahore Office, where military telegraphists constitute a considerable proportion of the staff. As the result of our investigations, we found that, in so far as their circumstances are different from those of civil signallers, military telegraphists are not affected in any special way by the recent change in the arrangement of duties. The breakfast and dinner times of these men sometimes fall in one period of duty and when this occurs it will be necessary at some offices to allow them two meal reliefs of 20 minutes each in one turn of 8 hours' duty, as was the practice under the watch system, instead of one of 30 minutes as now authorised. We may note that as a body military telegraphists appear to be decidedly in favour of the weekly rotation of duties.

14. *Conclusion.*—Finally, we desire to point out that our recommendations involve no departure from the essential principles of the scheme regarding which we have been appointed to enquire. We anticipate the complete realisation of the advantages inherent in that scheme and this expectation is confirmed by the fact that our conclusions have been agreed to by the several officers of the Telegraph Department with whom we discussed the subject, as well as by Mr. Newlands. As the duty charts which we have prepared show, our proposals can be given effect to at once without difficulty, and it only remains for us to add that their adoption will necessitate no increase in the existing signalling establishment.

W. MAXWELL, *President.*

H. S. STYAN,
C. P. O'RIELLY, } *Members.*

B. ROBERTSON,
Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 5th June, 1908.

PROMOTIONS.

INDIAN ARMY.

No. 463.—The following promotions are made, subject to His Majesty's approval:—

Captains to be Majors.

* * * * * * * *

4th June 1908.

* * * * * * * *

Edward Terry Carwithen, 9th Bhopal Infantry.

CANTONMENTS.

REGULATIONS.

No. 470.—The following draft of a Notification, which it is proposed to issue in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 11th July 1908.

Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the Notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to amend the Cantonment Code, 1899, to the extent set forth below :—

In sections 169, 272, 273 and 275 the words "Cantonment authority" shall be substituted for the words "Cantonment Committee" wherever the latter occur.

The words "(if any)" in the first line of section 169 and of section 272 shall be omitted. In section 169 the words "made at a meeting of which at least six clear days' notice has been given" shall be omitted.

In section 272 the words "at a meeting of which at least six clear days notice shall have been given" shall be omitted.

To section 169 a second proviso and to section 272 a proviso shall be added as follows :—"Provided that in no Cantonment in which a Cantonment Committee has been constituted shall any bye-laws be made except at a meeting of which at least six clear days' notice shall have been given."

LANGUAGES.

No. 471.—With reference to clause V of Army Department Notification No. 709-Languages, dated 28th December 1906, it is hereby notified for general information that, in addition to the examinations therein prescribed, the Secretary, Board of Examiners, Calcutta, will conduct half-yearly examinations in the "Proficiency" test in Urdu at Lahore and Lucknow. The examinations will be held in March and October, with effect from October 1908, on dates which will be notified to intending candidates, for which purpose application should be made to the Staff of the Lahore and Lucknow Divisions respectively.

No. 472.—The following addition is made to the Rules for the examination in Arabic by the Interpreter's Test, published in Army Department Notification No. 247, dated 11th April 1908 :—

Insert an asterisk after the word "Arabic" in first line of clause 2 and connect it with the following foot-note :—

"* For the purposes of this rule a 'pass' in Arabic obtained in the examination held by the Civil Service Commissioners, London, will, if supplemented by a pass by the Higher Standard Hindustani, be regarded as equivalent to a pass by the Higher Standard in Arabic."

A. W. L. BAYLY,

Secretary to the Government of India.

THE HON'BLE THE AGENT TO THE GOVERNOR-GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATION.

Peshawar, the 27th May, 1908.

No. 77.—The services of Rai Sahib Bhai Hotu Singh, Extra Assistant Commissioner, are replaced at the disposal of the Punjab Government with effect from the forenoon of the 16th May 1908.

By order, &c.,

A. H. GRANT,

Secretary to the Chief Commissioner,

North-West Frontier Province.

Punjab Government Press, Lahore—19-6-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JUNE 26, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 13, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Simla, the 12th June, 1908.

No. 634.—Captain H. H. Broome, M.B., I.M.S., is appointed to be Professor of Anatomy, Lahore Medical College, with effect from the date on which he assumes charge of that office.

ECCLESIASTICAL.

Simla, the 12th June, 1908.

No. 280.—The Reverend C. P. C. Nugent, a senior chaplain on the Bengal (Lahore) ecclesiastical establishment, is permitted to retire from the service, with effect from the 13th June 1908.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 10th June, 1908.

No. 103.—Mr. F. C. Rose, Executive Engineer, Punjab, is appointed to officiate as Superintending Engineer, with effect from the 29th May 1908, during the absence on leave of Mr. E. S. Bellasis, and until further orders.

No. 104.—Mr. F. W. Schonemann, Executive Engineer, Punjab, is appointed to officiate as Superintending Engineer, with effect from the 3rd June 1908.

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

TELEGRAPHS.

Simla, the 11th June, 1908.

No. 5527—5529—160.

RESOLUTION—By the Government of India, Department of Commerce and Industry.

In December 1907 a system of deposit accounts was introduced for the convenience of firms and individuals, who in the course of their business frequently find it necessary to ask for the repetition of telegraphic messages. The Government of India have had under their consideration the question whether the same system should not be applied to the despatch of telegrams of all classes by members of the public, and from the enquiries which have been made they believe that the system would, if introduced, be largely used by those persons who despatch a large number of telegrams during the year.

2. It has therefore been decided that the deposit system for the despatch of telegrams shall be introduced with effect from the 1st July 1908. The Director-General of Telegraphs will before that date announce the detailed arrangements that have been made and the minimum deposit that will be required.

3. A commission of one per cent. will be levied on the value of the telegrams despatched under this system in order to cover the cost of maintaining the accounts.

ORDER.—Ordered that a copy of this Resolution be communicated to the Director General of Telegraphs and the Examiner of Telegraph Accounts.

Ordered also that the Resolution be published in the *Gazette of India* for general information.

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 12th June, 1908.

FIELD OPERATIONS.

No. 477.—The following appointment is added to the Staff of the Mohmand Field Force published in Army Department Notification No. 316 of 1908:—

The Reverend C. Stewart, B. A., Ecclesiastical Establishment, Bengal, to be Church of England Chaplain to the Force.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 490.—Honorary Captain and Paymaster Charles Herman Oertel is granted the honorary rank of Major. Dated 1st April 1908.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—26-6-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JULY 3, 1908.

PART II

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 20, 1908.

HOME DEPARTMENT.

NOTIFICATION.

ECCLESIASTICAL.

Simla, the 19th June, 1908.

No. 300.—The Reverend R. S. Bennertz, a chaplain on probation, is appointed to be a junior chaplain on the Bengal (Lahore) ecclesiastical establishment, with effect from the 12th May 1908.

H. A. STUART,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATIONS.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 19th June, 1908.

No. 1564.—The services of Mr. C. W. Wilson, M.R.C.V.S., Officiating Superintendent of the Hissar Cattle Farm, are placed at the disposal of the Government of the United Provinces for employment as 2nd Superintendent of the Civil Veterinary Department in those provinces, with effect from the 27th June 1908 or the subsequent date on which Major H. M. Maxwell may avail himself of combined leave.

No. 1565.—Mr. E. W. Burke, Deputy Superintendent of the Cattle Farm, Hissar, will, until further orders, hold charge in addition to his own duties of the office of Superintendent, *vice* Mr. C. W. Wilson, transferred to the Civil Veterinary Department, United Provinces.

R. W. CARLYLE,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

STAMPS.

Non-judicial.

Simla, the 16th June, 1908.

No. 3566-*Exc*—In exercise of the powers conferred by section 9, clause (*a*), of the Indian Stamp Act, 1899 (II of 1899), the Governor General in Council is pleased to direct that the following amendments shall be made in the Notification of the Government of India in the Finance and Commerce Department No 785-S. R., dated the 17th February 1899, namely:

(1) For the heading to section F of the said Notification, the following shall be substituted, namely:

"F—Railways and Inland Steamer Companies."

(2) In entry No. 32 after the words "Railway Company or Administration" the words "or an Inland Steamer Company," shall be inserted.

(3) In entry No. 33 after the words "Railway authority" the words "or an Inland Steamer Company," and after the words "indemnifying such authority" the words "or Company," shall be inserted.

(4) In entry No. 34 after the words "Railway authority" the words "or an Inland Steamer Company," and after the words "Railway Receipt" the words "or bill of lading," shall be inserted.

(5) In entry No. 36 for the word "given" the words "or bill of lading issued" shall be substituted, and after the words "Railway Company or Administration" the words "or an Inland Steamer Company," shall be inserted.

2. The Notification of the Government of India No. 274 S. R., dated the 13th January 1904, is hereby cancelled.

J. S. MESTON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 19th June, 1908.

LONDON GAZETTE.

No. 496.—The following extracts are published for general information:—

"*London Gazette,*" *dated 26th May* 1908, *pages* 3883, 3886 *and* 3887.

* * * * * * *

INDIA OFFICE

May 26th, 1908.

* * * * * * *

The King has approved of the following promotions among officers of the Indian

Army, Indian Medical Service and Indian Army Departments, and admissions to th Indian Army:—

INDIAN ARMY.

* * * * * * *

Captains to be Majors.

* * * * * * *

Dated 9th April 1908.

Alfred Charles Elliott, Supernumerary List.

* * * * * * *

CANTONMENTS.

REGULATIONS.

No. 519.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 25th July 1908.

Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below:—

In section 2, sub-section (1), clause (v), the words "and not maintained by the Cantonment authority" shall be omitted.

In section 29, sub-section (1), the following shall be inserted between clauses (*h*) and (*j*):—

"(*i*) the acquisition of immoveable property for Cantonment purposes."

No. 520.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), the Governor General in Council is pleased to direct that—

(1) After section 58 of the Cantonment Code, 1899, the following section shall be added, namely:—

"58-A. In addition to the forms above prescribed the Cantonment authorities of the Cantonments in the Madras Presidency, the funds of which are subject to local audit by the Accountant-General, Madras, shall maintain registers in the forms specified in schedule I-A, or in such other forms as may from time to time be prescribed in substitution thereof for adoption in the District Municipalities of the said Presidency."

(2) After schedule I the following schedule shall be inserted, namely:—

[SCHEDULE I.-A.—See section 58-A.]

FORM

MUNL. FORM NO. 17.

HOUSE / LAND Tax Demand Register for

(To be printed in open

[*Note.*—Taxes of the second half-year collected in advance in the first half should be entered

Assesment number.	Survey or door No. or designation of building or situation.	Assessment.		Collections in												Number of warrant, if any.	Written off or remitted.		Balance of first half-year outstanding at the end of that half-year.	Nunmber of line.
				April.		May.		June.		July.		August.		Septem-ber.						
		Annual value.	Half-yearly amount of tax.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.		Amount.	Number in remission register.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
			Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.	

A.

the five years 190 -190 to 190 -190 .

Royal with open fly leaves.)

in red ink below the entries of collections for the first half. The pagewar totals should also be similarly made.]

Number of line.	Collections in												Number of warrant, if any.	Written off or remitted.		Balance outstanding at the end of the year transferred to arrear demand register.	Name of owner.	Assessment number.
	October.		November.		December.		January.		February.		March.							
	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date	Amount.	Date.	Amount.	Date.	Amount.		Amount.	Number in remission register.			
22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		
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[SCHEDULE I-A.—See section 58-A.]

FORM

MUNL. FORM NO. 19.

PROFESSION and Trade Tax

Assessment number.	Name of party.	Occupation.	Name of street and door number or other address.	First half-year.																
				Assessment.				Collections in												Number of line.
								April.		May.		June.		July.		August.		September.		
				Monthly income.	Class in schedule A.	Amount of tax for first half-year.	Initials of Secretary or Manager.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
						Rs. A. P.			Rs. A. P		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs A. P.	
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Register for the year 190 190 :

Number of line.	Number of warrant, if any.	Written-off: Amount of tax.	Authority.	Balance of first-half outstanding at the end of that half-year.	Assessment: Monthly income	Assessment: Class in schedule A.	Assessment: Amount of tax for second half year.	Assessment: Initials of Secretary or Manager.	Second half year. Collections in October: Date.	October: Amount.	November: Date.	November: Amount.	December: Date.	December: Amount.	January: Date.	January: Amount.	February: Date.	February: Amount.	March: Date.	March: Amount.	Number of warrant, if any.	Written-off: Amount of tax.	Authority.	Balance at the end of the year transferred to arrear demand register.
22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
		Rs. A. P.					Rs A P			Rs A P		Rs A P		Rs A P		Rs A P		Rs A P		Rs A P		Rs. A. P.		
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[SCHEDULE I-A—See section 58-A.]

MUNL. FORM NO. 21. FORM

DEMAND Register of Private Scavenging

Assessment number.	Corresponding assessment number in the house tax demand register.	Name of party.	Address.	Assessment.								Collections in										
				First quarter.		Second quarter.		Third quarter.		Fourth quarter.		April.		May.		June.		July.		August.		
				Amount due.	Number of warrant, if any.	Amount due.	Number of warrant, if any.	Amount due.	Number of warrant, if any.	Amount due.	Number of warrant, if any.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date	Amount.	Date.	Amount.	Number of line.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
				Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.			Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.	
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C.

Fees for the year 190 -190 .

	Sep-tember.		Remitted or written off.			Collections in												Remitted or written off			
						October.		Novem-ber.		December.		January.		February.		March.					
Number of line.	Date.	Amount.	Amount.	Number in remission register.	Balance of first half-year outstanding at the end of that half-year.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Amount.	Number in remission register.	Balance at the end of the year transferred to the arrear demand register.	Remarks.
24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45
		Rs. A. P.	Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.	Rs. A. P.		Rs. A. P.	
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[SCHEDULE I-A—See section 58-A.]

FORM

MUNL. FORM NO. 22.

REGISTER of Miscellaneous Demands

[Articles 105 and 123. To be

[*Note.*—At the top of all items coming under the same head of receipt, the nature of the revenue should be written in red ink enter in the register new items of the same class. A red line should be drawn across the register after each such total with be shown in red ink separately below the entry for kist. Composition fees should be shown as a realization of the month with a separate entry for demand in column 9.]

Serial number.	Name of renter.	Number and date of agreement.	Amount deposited.		Amount of each instalment.	Due date of payment.	Total amount due in the year.		
			Date.	Amount.			Arrears.	Current.	Total.
1	2	3	4	5	6	7	8	9	10
				Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.

D.

for the year 190 -190 .

printed on open royal,)

and a total made for the items. Some lines may be left blank above the line for total in case it becomes necessary during the year to a view to separate it from the entries on account of other revenue that follow. The collections on account of penal interest should concerned against the renter, if according to the contract they are payable to him; otherwise they should be shown in a separate line

Realization in					Total collectoins of kists.	Penal interest.		Balance.			
April.		May.		Columns for remaining ten months.							
Date.	Amount.	Date.	Amount.			Total due.	Total collection.	Kist.	Penal interest.	Number of warrant.	Date of realization.
11	12	13	14	15 to 34	35	36	37	38	39	40	41
	Rs A.P.		Rs.A.P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.		

[SCHEDULE I-A.—See section 58-A.]

FORM

MUNL. FORM NO. 23.

ARREAR Demand Register from the years 190 -190 to 190 -190

(To be printed in open

Assessment number.	Name of party.	Balance of tax due.	Collections in												Number of warrant if any.	Written off.		Balance at the end of the first half-year.	Number of line.
			April.		May.		June.		July.		August.		September.						
			Date.	Vmount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date	Amount.		Amount.	Authority.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
		Rs. A. P.		Rs.A.P.		Rs A.P.		Rs.A.P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.	
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E.

for tax relating to the year 190 -190 .

Royal with open fly leaves.)

	Collections in													Written off.				
	October.		November.		December.		January.		February.		March.							
Number of line.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Date.	Amount.	Number of warrant, if any.	Amount.	Authority.	Balance at the end of the year.	Remarks.	Assessment number.
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		
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[SCHEDULE I-A.—See section 58-A.]

FORM

MUNL. FORM NO. 35.

REGISTER OF

(Article 14[8].) (To be

Note.—The clerk concerned should note the number of each warrant issued against the corresponding assessment number in the distrained, a note to that effect should be made in column 21. Separate sets of pages should be set apart for each officer The numbers of the warrants issued to each of these officers should be entered in the respective portion of this register

Warrant number.	Name of party.	Date of presentation of bill.	Date of issue of warrant.	Assessment number.	Tax on arts.		Tax on buildings.		Tax on lands.	
					Amount of tax involved	Amount of tax collected.	Amount of tax involved.	Amount of tax collected	Amount of tax involved.	Amount of tax collected.
1	2	3	4	5	6	7	8	9	10	11
					Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.

Account of outstanding balance

Warrant fee collected.	Warrant number.	Assessment number.	Tax on arts.		Tax on buildings.		Tax on lands.		Water and drainage tax.	
			Amount of tax involved.	Amount of tax collected.	Amount of tax involved.	Amount of tax collected.	Amount of tax involved.	Amount of tax collected.	Amount of tax involved.	Amount of tax collected.
23	24	25	26	27	28	29	30	31	32	33
Rs. A. P.			Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.

F.

WARRANTS.

printed on open foolscap.)

demand registers and in the bills concerned, and place his initials in column 20 of this register in token thereof. When property i entrusted with the execution of warrants for each of whom separate warrant books with consecutive numbers should be set aside consecutively irrespective of the tax for which they are issued.)

Water and drainage tax.		Private scavenging fees.		Tax on animals, vehicles and carts.		Other items.				
Amount of tax involved.	Amount of tax collected.	Amount of tax involved.	Amount of tax collected.	Amount of tax involved.	Amount of tax collected.	Amount of tax involved.	Amount of tax collected.	Initials of clerk.	If executed, reference to number in the register of distrained property.	If written-off, reference to number in the register of writes-off.
12	13	14	15	16	17	18	19	20	21	22
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			

during next year.

Private scavenging fees.		Tax on animals, vehicles and carts.		Other items.					
Amount of tax involved.	Amount of tax collected.	Amount of tax involved.	Amount of tax collected.	Amount of tax involved.	Amount of tax collected.	If executed, reference to number in the register of distrained property.	If written-off, reference to number in the register of writes-off.	Warrant fee collected.	Remarks.
34	35	36	37	38	39	40	41	42	43
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			Rs. A. P.	

[SCHEDULE I-A.—See section 58-A.]

FORM G.

MUNL. FORM NO. 41. (ART. 169.)

LIST of Animals and Vehicles subject to License tax for the half-year ending $\frac{\text{30th September}}{\text{31st March}}$ 190 .

Serial number.	Number of licenses taken out in the previous half-year.		Name of Party.	Address.	Demand.						Date of transmission of form of application.	Service of Notice.		Number of warrant.	Amount paid.				Remissions and Writes-off.			Balance.		Number of licenses of next year for vehicles and animals.
					Vehicles.			Animals.							Vehicles.		Animals.							
	Vehicles.	Animals.			Description.	Number.	Amount	Description.	Number.	Amount.		Date.	Number.		Number of license.	Amount.	Number of license.	Amount.	Vehicle tax.	Animal tax.	Number and date of Council's Resolution.	Vehicle tax.	Animal tax.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
							Rs. A.			Rs. A						Rs A		Rs. A.	Rs. A.	Rs. A.		Rs. A.	Rs. A.	

[Schedule I.-A.—See section 58-A.]

MUNL. FORM NO. 47.

FORM H.

COLLECTION Register of Tax on Vehicles, Animals and Carts for the half-year ending $\frac{\text{30th September}}{\text{31st March}}$ 190 -190 :

(Article 173.) (To be printed on open-demi.)

[*Note.*—Collections made on warrants and special licenses should be entered in a separate part of this register set aside for the purpose. Column 32 only should be totalled daily and the result posted in column 33.]

Date of collection.	Schedule number.	Name of party.	Address.	Vehicles with springs.												Carts and other vehicles without springs.				
				Four wheeled, &c., Rs. 10.			Four wheeled, &c., Rs. 5.			Two wheeled, &c., Rs. 3.			Other vehicles, &c., Rs. 3.							
				License number or numbers.	Amount.		License number or numbers.	Amount.		License number or numbers.	Amount.		License number or numbers.	Amount.		License number or numbers.	Amount of tax, Rs. 2.		Fees for numbering carts and penalties.	
1	2	3	4	5	6		7	8		9	10		11	12		13	14		15	
					Rs.	A.		Rs.	A.		Rs.	A.		Rs.	A.		Rs.	A.	Rs.	A.
		Carried over —																		

[Schedule I.-A.—See section 58-A.]

MUNL. FORM NO. 47—*contd.*

COLLECTION Register of Tax on Vehicles, Animals and Carts for the half-year ending $\frac{\text{30th September}}{\text{31st March}}$ 190 -190 —*contd.*

Animals.																												
Elephant, Rs. 12.			Camel, Rs. 6.			Horse over 13 hands, Rs. 5.			Horse of or under 13 hands, Rs. 2.			Horse of or under 11 hands, Re. 1.			Bullock, Bull or Male Buffalo, As. 8.			Dog, As. 8.			Ass, As. 4.			Total payments as per each schedule.		Daily total.		Initials of Manager or Shroff in token of verification of daily totals.
License number or numbers.	Amount.		License number or numbers.	Amount.		License number or numbers.	Amount.		License number or numbers.	Amount.		License number or numbers.	Amount.		License number or numbers.	Amount.		License number or numbers.	Amount.		License number or numbers.	Amount.						
16	17		18	19		20	21		22	23		24	25		26	27		28	29		30	31		32		33		34
	Rs.	A.		Rs.	A.		Rs.	A.		Rs.	A.		Rs.	A.		Rs.	A.		Rs.	A.		Rs.	A.	Rs.	A.	Rs.	A.	

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—3-7-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JULY 10, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JUNE 27, 1908.

KAISAR-I-HIND MEDAL.

NOTIFICATION.

Simla, the 26th June, 1908.

His Excellency the Viceroy and Governor-General is pleased to award the Kaisar-i-Hind medal for Public Service in India of the second class to—

* * * * * *

Sardar Raza Ali Khan, Qazilbash, of Lahore.

* * * * * *

H. A. STUART,

Offg. Secretary to the Government of India,

Home Department.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Simla, the 24th June, 1908.

No. 1498.—The services of Captain W. C H. Forster, M.B., I.M.S., are placed temporarily at the disposal of the Government of Bengal.

ECCLESIASTICAL.

The 25th June, 1908.

No. 314.—The Reverend A. P. G. Maunsell, a chaplain on probation, is appointed to be a junior chaplain on the Bengal (Lahore) ecclesiastical establishment, with effect from the 25th May 1908.

H. A. STUART,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

ORDER OF THE STAR OF INDIA.

NOTIFICATION.

Simla, the 26th June, 1908.

No. 39-*S.I.*—His Excellency the Grand Master of the Most Exalted Order of the Star of India is pleased to announce that His Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to make the following promotions in and appointments to the said Order:

*   *   *   *   *   *   *

To be Companions.

*   *   *   *   *   *   *

The Honourable Mr. ROMER EDWARD YOUNGHUSBAND, Indian Civil Service, Commissioner, Lahore division, and a Member of the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations.

By Order of the Grand Master,

S. H. BUTLER,

Secretary to the Most Exalted Order of the Star of India.

ORDER OF THE INDIAN EMPIRE.

NOTIFICATION.

Simla, the 26th June, 1908.

No. 52-*I.E.*—His Excellency the Grand Master of the Most Eminent Order of the Indian Empire is pleased to announce that His Majesty the KING, EMPEROR OF INDIA, has been graciously pleased to make the following promotions in and appointments to the said Order:

*   *   *   *   *   *   *

To be Companions.

*   *   *   *   *   *   *

The Honourable Mr. ARTHUR MILFORD KER, a Member of the Council of the Lieutenant-Governor of the Punjab for making Laws and Regulations.

*   *   *   *   *   *   *

Lieutenant-Colonel FRANCIS FREDERIC PERRY, F.R.C.S., Indian Medical Service, Honorary Surgeon to the Viceroy, Principal of the Medical College, Lahore.

*   *   *   *   *   *   *

By Order of the Grand Master,

S. H. BUTLER,

Secretary to the Most Eminent Order of the Indian Empire.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 26th June, 1908.

No. 2611-*I.C.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Diwan Bahadur, as a personal distinction, upon—

*   *   *   *   *   *   *

Diwan Narindra Nath, M.A., Deputy Commissioner, Punjab.

No. 2612 *I.C.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Bahadur, as a personal distinction, upon—

* * * * * * *

Maulvi Muhammad Fazl-i-Matin, Registrar-General, Patiala State.

No. 2613-*I.C.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Bahadur, as a personal distinction, upon—

* * * * * * *

Lala Ganga Ram, Arora, Retired Extra Assistant Commissioner, Punjab.

Lala Chuni Lal, M.A., Extra Judicial Assistant Commissioner, Punjab.

Padha Jiwanand, Wazir of the Mandi State.

* * * * * * *

No. 2615-*I.C.*—His Excellency the Viceroy and Governor-General is pleased to confer upon M. Gulab Singh, Extra Assistant Commissioner, Punjab, the title of Sardar Bahadur as a personal distinction.

No. 2617-*I.C.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Khan Sahib, as a personal distinction, upon—

* * * * * * *

M. Rahmat Ullah Khan, Inspector of Police in the Punjab.

Mian Nur Burhan of Ganja Kalan, Lahore district.

Syad Mehdi Shah, Honorary Magistrate, Lyallpur district.

* * * * * * *

No. 2618-*I.C.*—His Excellency the Viceroy and Governor-General is pleased to confer the title of Rai Sahib, as a personal distinction, upon—

* * * * * * *

Pandit Attar Chand, Senior Assistant Surgeon, Punjab.

Mian Amar Singh, Tahsildar in the Punjab, Manager of the Bilaspur State.

* * * * * * *

S. H. BUTLER,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

TELEGRAPH ESTABLISHMENT.

Simla, the 24th June, 1908.

No. 5975—3.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that, with effect from the 19th July 1908, the following amendments shall be made in the rules published with the notification of the Government of India in the Public Works Department, No. 298 (Telegraphs), dated the 22nd of September 1904, as subsequently amended, namely :—

In Rule 2 after the words "Business hours" the words "Subject to the provisions of Rules 2-A, 61-A and 128-A" shall be inserted.

After Rule 2 the following shall be added as Rule 2-A:—

"2-A. An urgent telegram will be accepted during the hours when an office is closed, if the terminal office is open or its attention can be gained, on the payment of extra fees. If both the offices of origin and destination are closed the extra fee shall be two rupees, but if only one of them is closed one rupee. The fees will be paid to the telegraphists in the closed offices."

"When several telegrams are handed in together by the same person at an office which is closed a single fee only will be payable in respect to that office."

"If a telegraphist is called up to send a telegram and it subsequently appears that it cannot be despatched, the person desiring to send it must nevertheless pay the fee of one rupee."

After Rule 61 the following shall be added as Rule 61-A :—

"61-A. Deferred telegrams are not accepted on Sundays and the four principal hoildays, Christmas Day, New Year's Day, Good Friday, and the King's Birthday."

In Rule 128 after the words "Press messages will" the words "Subject to the provisions of Rule 128-A" shall be inserted.

After Rule 128 the following shall be added as Rule 128-A :—

"128-A. Press telegrams at deferred rates are not accepted on Sundays and the four principal holidays, Christmas Day, New Year's Day, Good Friday, and the King's Birthday."

No. 5927—5974-3.

RESOLUTION—By the Government of India, Dapartment of Commerce and Industry.

In the Resolution of the Government of India, No. 3252—3288-3, dated the 27th March 1908, certain proposals for the limitation of telegraph work on Sundays were published for criticism, with the intimation that any replies which might be furnished would be considered at the end of the first week in May. The replies which have been received from Local Governments and private bodies are generally favourable to the proposals; but modifications have, in several cases, been suggested regarding points of detail. The Government of India in passing orders have endeavoured, as far as possible, to bring the scheme into accordance with these suggestions.

2. The orders which the Government of India have now passed are as follows :—

(1) In places where there is more than one office, all offices except the prinicpal one will ordinarily be closed; but in the case of a few of the largest towns, one or two of the minor offices which serve outlying localities will also be open for short periods.

(2) First class offices will remain open from 0 hours to 0 hours as at present, except when the office is in a place where there is more than one office and it is not itself the principal office.

(3) In places where there is only one office, and the office ordinarily observes second class hours, or in places where there is more than one office and the principal office observes second class hours, it will be open in all cases for two hours in the morning (8 to 10), and for two hours in the evening (16 to 18).

(4) In places where there is only one office, the office, if it ordinarily observes third class hours, will be open for one hour only in the morning (8 to 9), and for one hour in the evening (16 to 17).

(5) Inland telegrams at the lowest rate, at present known as deferred, will not be accepted for transmission at any telegraph office on Sundays and the four chief holidays :—*viz.*, Christmas Day, New Year's Day, Good Friday and the King's Birthday.

The Government of India have also approved the following additional proposals which were not mentioned in the Resolution already referred to :—

(6) In cases of public emergency the District Magistrate may require a Telegraph Office to be kept open specially, beyond its ordinary hours of working.

(7) Any member of the public or Government official may procure the despatch of an urgent telegram during the hours when an office is closed, if the terminal office is open or its attention can be gained, by the payment of extra fees. If both the offices of origin and destination are closed the extra fee shall be two rupees, or if only one of them is closed one rupee. The fees will be paid to the telegraphists in the closed offices. A Government official may recover the cost of the extra fees in the same manner as charges for telegrams are recovered at present, submitting the receipt as a voucher.

ORDERED that a copy of this Resolution be forwarded to all Local Governments and Administrations, to all Chambers of Commerce and Trades Associations, to all Departments of the Government of India, and to the Heads of Departments subordinate to the Department of Commerce and Industry.

Ordered, also, that a copy be published in the *Gazette of India.*

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 26th June, 1908.

CANTONMENTS.

REGULATIONS.

No. 548.—In exercise of the powers conferred by sections 25 and 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to direct that the following amendments shall be made in the Cantonment Code, 1899, namely:—

DRAFT AMENDMENT TO SECTION 89 OF THE CANTONMENT CODE, 1899.

Section 89.—At the end of sub-section (2), the following shall be added:—

"The notice shall specify the purpose for which it is intended to use the buildings."

In the *explanation,* after clause (*d*), the following shall be inserted as clause (*e*), the existing clauses (*e*) and (*f*) being renumbered (*f*) and (*g*) respectively:—

"(*e*) the conversion into a stable, cattle-shed or cow-house of any building originally constructed for human habitation."

No 549.—In exercise of the powers conferred by section 26 of the Cantonments Act 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below:—

Section 167.—The following shall be added at the end of the section:—

"Provided fourthly, that in cantonments to which the Indian Petroleum Act, 1899 (VIII of 1899), extends, no person shall be required to obtain a license for the sale or storage of petroleum in any case in which a license is required by the said Act to be taken out, save in accordance with the provisions of the said Act, and of the rules framed thereunder."

Section 168.—In clause (*n*) after the word "petroleum," the words "(in cases in which a license is required under this Code)" shall be added.

The proviso at the end of this clause shall be omitted.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—10-7-08—800.

[illegible]

Ordered, also, that a copy be published in the Gazette of India.

H. ROBINSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the [illegible] July 1908.

CANTONMENTS.

REGULATIONS.

[illegible]

AMENDMENTS TO SECTION 8 OF THE CANTONMENT CODE, 1899.

[illegible]

A. W. L. [illegible],

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JULY 17, 1908.

PART II

Reproductions from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 4, 1908.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 1st July, 1908.

No. 109.—Mr. R. W. Watts, temporary Engineer, under covenant, Military Works Services, is transferred in the same capacity to the Public Works Department, and is posted to the Punjab, Irrigation Branch.

L. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

OPIUM.

Simla, the 3rd July, 1908.

No. 3920 *A.*—It is hereby notified—

(1) that in the calendar year 1909 not more than 43,200 chests of Bengal opium will be offered for sale and not more than 3,600 chests in each month of the year;

(2) that of the quantity to be offered for sale each month, not more than 1,800 chests will be Benares opium and not more than 1,800 chests Patna opium; and

(3) that no reduction will be made in these quantities without three months' previous notice.

J. S. MESTON.

Secretary to the Government of India.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JULY 24, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 11, 1908.

HOME DEPARTMENT.

NOTIFICATION.

POLICE.

Simla, the 10th July, 1908.

No. 924.—In exercise of the powers conferred by section 2, sub-sections (1) and (2) of the Police Act, 1888 (III of 1888), as in force in British India or as locally applied, the Governor General in Council is pleased—

(*a*) to create a general police district embracing all the lands situate within the Punjab, the North-West Frontier Province and the Native States referred to in the list appended hereto, which are or may hereafter be occupied by the Railways enumerated in that list, inclusive of all lands occupied by stations and out-buildings and for other Railway purposes;

(*b*) to order the enrolment under the Police Act, 1861 (V of 1861), of a police force for service therein; and

(*c*) to direct that the police force enrolled in pursuance of the notifications specified in paragraph III of this notification shall be deemed to have been enrolled in pursuance of this notification.

II. The Governor General in Council is also pleased to appoint the Lieutenant Governor of the Punjab to discharge, with respect to the general police district and police force aforesaid, the functions of the Local Government under the Police Act, 1861 (V of 1861), the Code of Criminal Procedure, 1898 (Act V of 1898), and any other enactment relating to police for the time being in force in the lands above-mentioned or in any part thereof.

III. The following notifications of the Government of India in the Home Department are hereby cancelled :—

No. 336, dated the 15th June 1897.

No. 901, dated the 12th December 1901.

IV. Items 10 and 11 in the list of railways included in the notification of the Government of India in the Home Department No. 608, dated the 1st July 1904 are also hereby cancelled.

List of Railways.

1. The North-Western Railway and lines worked by that railway, including the portions situate in the Native States of Jammu and Kashmir, Bikaner, Patiala, Bahawalpur, Nabha, Jind, Kapurthala, Faridkot, Maler Kotla, Baghat and Keonthal.

2. The Rewari-Delhi section, including the Garhiharsaru-Farukhnagar branch, and the Rewari-Kotkapura-Fazilka section of the Rajputana-Malwa Railway including the portions situate in the Native States of Pataudi, Dujana, Jind, Patiala, Nabha and Faridkot.

3. The Delhi-Umballa-Kalka Railway, including the lands lying within the Native States of Kalsia and Patiala.

H. A. STUART,
Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 9th July, 1908.

No. 1814-*G.*—Mr. C. Latimer, a Political Assistant of the 3rd class, is posted as Political Agent in Baghelkhand.

The 10*th July* 1908.

No. 2806 *I. B.*—Under the provisions of section 650-A. of the Code of Civil Procedure (Act XIV of 1882), the Governor General in Council is pleased to declare that summonses issued by any Civil or Revenue Court within the territories of the States named in the Schedule to this notification may be sent to the Courts in British India and served as if they had been issued by such Courts :

Schedule.

Bastar.	Jashpur.
Kanker.	Sirguja.
Rajnandgaon.	Korea.
Khairagarh.	Changbhakar.
Kawardha.	Makrai.
Raigarh.	Chhuikhadan.
Sarangarh.	Sakti.
Udaipur.	

No. 2817-*I. B.*—In exercise of the powers conferred by section 2, sub sections (1) and (2) of the Police Act, 1888 (III of 1888), as in force in British India or as locally applied, the Governor General in Council is pleased :

(*a*) to create a general police district embracing all the lands, situate within the United Provinces of Agra and Oudh, the Punjab, the Rajputana and Central India Agencies, and the Native States referred to in the list

appended hereto, which are, or may hereafter be, occupied by the Railways enumerated in that list, inclusive of all lands occupied by stations, by outbuildings and for other railway purposes ;

(*b*) to direct the enrolment under the Police Act, 1861 (V of 1861) of a police force for service therein; and

(*c*) to appoint the Agent to the Governor General in Rajputana to discharge, with respect to the general police district and police force aforesaid, the functions of the Local Government under the Police Act, 1861 (V of 1861), the Code of Criminal Procedure, 1898 (Act V of 1898), and any other enactment relating to police for the time being in force in the lands above-mentioned or in any part thereof.

List of Railways.

(1) The main line of the Rajputana Malwa Railway from the frontier of the Bombay Presidency near Roho to the west distance signal at Rewari Junction, including the lands lying within the Native States of Sirohi, Jodhpur, Kishangarh, Jaipur, Alwar and Nabha.

(2) The Sambhar Branch of the Rajputana-Malwa Railway from Phulera to Kuchaman Road with the extension to Japog, including the lands lying within the Native States of Jaipur and Jodhpur.

(3) The Rewari-Phulera Chord Railway from the south distance signal at Rewari Junction to Phulera including the lands lying within the Native States of Nabha, Alwar, Patiala, Jaipur and Jodhpur.

(4) The Agra Branch of the Rajputana-Malwa Railway from Bandikui to the west distance signal at Achnera, including the lands lying within the Native States of Jaipur, Alwar and Bharatpur.

(5) The Malwa Section of the Rajputana-Malwa Railway (including the Holkar State Railway) from Ajmer to the distance signal at Khandwa Junction with the branch from Fatehabad to the south distance signal at Ujjain, including the lands lying within the Native States of Mewar, Tonk, Gwalior, Dhar, Jaora, Rutlam, Sailana and Indore.

(6) The whole of the Jodhpur-Bikaner Railway system, exclusive of the section between Haiderabad and the Jodhpur frontier near Khokrapar, including the lands lying within the Native States of Jodhpur, Bikaner and Patiala.

(7) The section of the Godhra-Rutlam-Ujjain Railway from the western end of the bridge over the Anas river to the west distance signal at Ujjain, including the lands lying within the Native States of Gwalior, Indore, Sailana, Rutlam and Jhabua.

(8) Those sections of the Nagda-Muttra Railway which are, or hereafter may be, opened to traffic from Nagda to Muttra (exclusive), including the lands lying within the Native States of Gwalior, Dewas (Junior Branch), Dewas (Senior Branch), Jhalawar, Indore, Kotah, Bundi, Jaipur, Karauli and Bharatpur.

No. 2818 *I. B.*—The Governor General in Council is pleased to appoint Mr. Abdul Wahib Khan, Barrister-at-Law, to be a Magistrate of the 1st Class, under section 12 (1) of the Code of Criminal Procedure, 1898 (Act V of 1898), as applied to the portions of the Railways cited in the list appended to the notification of the Government of India in the Foreign Department, No. 2817 I. B., dated the 10th July 1908, which are within the Native States there referred to, and to invest him with powers under sections 133, 144, 186, 190 [except as regards clause (1) (*c*)], 260 and 524 of the said Code, and with power to hold inquests under section 174 of the same.

The said powers shall be exercised within the sections of the Railways enumerated in the list appended to the notification mentioned above.

S. H. BUTLER,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

STAMPS.

Simla, the 10th July, 1908.

No. 4048 *P.*—Despatch from His Majesty's Secretary of State for India, No. 7-Financial (Funds), dated the 12th June 1908, and enclosures:

INDIA OFFICE, LONDON,
12th June 1908.

Financial (Funds),
No. 7.

TO HIS EXCELLENCY THE RIGHT HONOURABLE THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

MY LORD,

Indian Civil Service Family Pension Regulations. Valuation as on the 31st of March 1905.

IN continuation of Lord George Hamilton's Despatch dated the 25th of July 1902, No. 4 (Financial, Funds), and with reference to my Despatch dated the 9th of August 1907, No. 6 (Financial, Funds), I forward herewith for your information and publication in the *Gazette of India* copies of the Valuation and Report by Mr. Willis Browne, F.I.A., the Actuary to this Office, on the assets and liabilities arising under Indian Civil Service Family Pension Regulations as on the 31st of March 1905, with the further report thereon by Mr. Stanley Day, F.I.A.

2. The consolidated accounts for the period from the 1st of October 1898 to the 31st of March 1905, are also transmitted.

3. In paragraph 21 of his Report, dated the 15th of April 1907, on the Military Pensions, Mr. Stanley Day raised the question of excluding potential assets and liabilities from these valuations, and Mr. Browne in his enclosed report, deals with this matter, and Mr. Stanley Day now reports that "I have not attempted here to differentiate between contingent and potential contributions recognising the force of Mr. Willis Browne's observations on the impracticability of ignoring potential contributions and liabilities for children while a rate in aid is required from bachelors, which rate in aid cannot be made to fall due coincidently with the contributions to be drawn from fathers." For the present, at any rate, it seems necessary to continue to include the potential assets and liabilities in these valuations, and the valuation of the Military Family Pensions as on the 31st of March 1908 will include such assets and liabilities.

4. The valuation has been made on the basis of interest at 4½ per cent. and at this rate Mr. Browne estimates that the assets exceed the liabilities by the sum of 88,138*l.*, which would admit of a temporary reduction of 13⅓ per cent., but 12½ per cent. would be a more convenient rate, and I authorise a reduction of 12½ per cent. as proposed by Mr. Stanley Day on all subscriptions but not on donations payable, under these Regulations with effect from the 1st of the month following the date the Actuaries' Report and this Despatch are published in the *Gazette of India*, to the date of the publication of the next valuation.

5. The date on which the reports, &c., are so published should be communicated to me by telegram.

6. In preparing the half-yearly accounts of receipts and expenditure, the donations from married officers should be separated into marriage and disparity donations with effect from the 1st of April 1908, this will give effect to Mr. Stanley Day's request th[at] particulars should be furnished of the marriages in which there is a difference of m[ore] than five years between the ages of the husband and wife, and of the disparity don[ations] thereby involved.

7. The revised table of monthly contributions is enclosed for the informat[ion of] those concerned.

I have the honour to be,
My Lord,
Your Lordship's most obedient humble Servant,
(Signed) MORLEY OF BLACKBURN.

ENCLOSURES.

Enclosure No. 1.

REPORT by Mr. WILLIS BROWNE, F.I.A., dated 27th August 1907.

INDIAN CIVIL SERVICE FAMILY PENSIONS.

I submit herewith an abstract of a valuation, as at 31st March 1905, of the assets and liabilities arising under the Indian Civil Service Family Pension Regulations. In the absence of instructions to the contrary I have made the valuation at the rate of interest now in force, *viz.*, 4½ per cent.

As on previous occasions, I should furnish certain statistics bearing upon the personal state of the fund and upon the rates of mortality, marriage, &c., now obtaining.

The personal state compares with that at the respective dates of the two previous valuations as follows:—

Class.	Valuation date, 30th September 1893.			Valuation date, 30th September 1898.			Valuation date, 31st March 1905.		
	No. of married Officers.	No. of unmarried Officers.	Total.	No. of married Officers.	No. of unmarried Officers.	Total.	No. of married Officers.	No. of unmarried Officers.	Total.
I ...	None	None	None	None	None	None	125 (1 widower.)	18	143
II ...	None	None	None	45 (1 widower.)	12	58	79 (2 widowers.)	25	104
III ...	7	9	16	58	20	78	82 (3 widowers.)	30	112
IV ...	59	66	125	93 (3 widowers.)	108	201	149 (1 widower.)	108	257
V ...	31	226	257	64 (1 widower.)	248	312	86 (3 widowers.)	247	333
Totals ...	97	301	398	261	388	649	521	428	949

The number of married officers represents about 55 per cent. of the total number of subscribers as against a number representing between 39 and 40 per cent. at the date of the last valuation, and between 24 and 25 per cent. at the date of the last but one; and the class percentages of married members compare with those obtaining at the two previous dates in the following manner :—

Class.	Percentage of married to total number of Subscribers in each Class.		
	Valuation, 30th September 1893.	Valuation, 30th September 1898.	Valuation, 31st March 1905.
I ...	None ...	None ...	About 87 per cent.
II ...	None ...	About 79 per cent.	About 76 per cent.
III ...	About 44 per cent. ...	About 74 per cent.	About 73 per cent.
IV ...	About 47 per cent. ...	About 46 per cent.	About 58 per cent.
V ...	About 12 per cent. ...	About 20 per cent.	About 26 per cent.

Of the 438 bachelors and widowers—

327 are under 10 years of service,

79 from 10 to 15 inclusive, and only

32 from 16 to 23 inclusive.

438

The above statistics indicate that the high marriage rates ruling among Indian civilians are likely to continue.

Of the 511 officers with wives living at date of this valuation, as compared with the 255 officers with wives living at date of last valuation, the following members contracted marriage at the ages stated :—

Ages.	Valuation, 31st March 1905.	Valuation, 30th September 1898.
Between 20 and 21 ...	1	1
21 and 22	6	5
22 and 23	10	10
23 and 24	29	28
24 and 25	51	33
25 and 26	54	39
26 and 27	64	35
27 and 28	54	25
28 and 29	49	21
29 and 30	38	14
30 and 31	28	7
31 and 32	28	12
32 and 33	30	11
33 and 34	19	5
34 and 35	20	6
35 and 36	10	1
36 and 37	6	1
37 and 38	3	1
38 and 39	6	0
39 and 40	3	0
40 and 41	1	0
41 and 42	1	0

Of the 551 marriages of officers (including those who are now widowers or dead) the following were contracted at the ages given :—

Ages.	No. of officers.
Between 20 and 21	1
21 and 22	8
22 and 23	12
23 and 24	35
24 and 25	52
25 and 26	60
26 and 27	73
27 and 28	60
28 and 29	51
29 and 30	37
30 and 31	30
31 and 32	31
32 and 33	30
33 and 34	21
34 and 35	20
35 and 36	10
36 and 37	6
37 and 38	3
38 and 39	6
39 and 40	3
40 and 41	1
41 and 42	1
Total ...	551

Of the 511 officers with wives living, as compared with the 255 officers at date of last valuation, the following numbers have completed the years of married life enumerated below :—

Years of Married life.	No. of Officers.	
	Valuation, 30th September 1898.	Valuation, 31st March 1905.
0	31	35
1	40	47
2	32	42
3	25	49
4	29	40
5	22	42
6	13	25
7	15	34
8	9	40
9	17	26
10	7	24
11	4	25
12	3	17
13	4	13
14	1	12
15	1	14
16	...	14
17	...	3
18	...	3
19	...	3
20	...	2
21	...	0
22	...	1
	255	511

Rates of Mortality, Marriage, &c.

The experience of the Fund, although not large, is considerable, and the mortality and other rates based thereon are worthy of consideration.

Mortality Rates.—Officers, 1st January 1905.

Number entered	1,079
" over all years under observation	11,389
" of withdrawals	17
" of deaths	91
" over all years exposed to death risk	10,355

From the above the following rates of mortality are obtained:—

Age.	Rate.	Age.	Rate.
19	·0111	29	·0079
20	·0111	30	·0073
21	·0110	31	·0070
22	·0108	32	·0068
23	·0107	33	·0066
24	·0106	34	·0065
25	·0105	35	·0066
26	·0103	36	·0067
27	·0100	37	·0067
28	·0095	38	·0068

The above rates compare with the experience to 1st January 1899 as follows (the right hand column is the Institute of Actuaries "Healthy Male Table"):—

Age.	Experience to 1st January 1899.	Experience to 1st January 1905.	H^M Institute of Actuaries.
19	·0109	·0111	...
20	·0108	·0111	·0063
21	·0107	·0110	·0067
22	·0107	·0108	·0068
23	·0106	·0107	·0068
24	·0105	·0106	·0066
25	·0104	·0105	·0066
26	·0103	·0103	·0067
27	·0102	·0100	·0069
28	·0102	·0095	·0072
29	·0101	·0079	·0074
30	·0101	·0073	·0077
31	·0100	·0070	·0079
32	...	·0068	·0081
33	...	·0066	·0083
34	...	·0066	·0085
35	...	·0055	·0088
36	...	·0067	·0091
37	...	·0067	·0095
38	...	·0068	·0098

With regard to the number of lives exposed the experience of the Fund up to about the age of 35, although not extensive, is, at any rate, indicative of the rates that may rule hereafter. But considering the very limited period over which the experience extends, especially at the older ages, it would not, in my opinion, be wise to depend upon the rates now shown. The late Mr. Sutton, on about the same numerical experience, but on an experience extending over a much longer period, although desirous of obtaining low rates which would benefit those in whose behalf he was acting, did not consider it safe to adopt the rates shown by the experience, but increased them throughout to an extent such as to bring them into accord with results obtained on more extensive data. It will be observed, too, from the above comparative table that where the Fund's experience extends over the longer period, *viz*, at the younger ages, the rates of mortality are much in excess of those of the H^M table, whilst, on the other hand, where the experience extends over only a short period, *viz.*, at the older ages, the rates shown are even lower than those of the H^M table. I am not, therefore, disposed to accept the rates now ruling, more especially as I consider that the table I used for the last valuation, which was based on the experience of the Fund for the five or six younger ages and thenceforward on Mr. Sutton's rates, is the most suitable table for the present valuation.

The rates obtained by Mr. Sutton, and those obtained from the present experience of the Fund, compare as follows:—

Age.	Mr. Sutton.	Fund Experience.
21½ to 25½	·0094	·0098
26½ to 30½	·0104	·0100
31½ to 35½	·0087	·0052
36½ to 40½	·0090	·0090

Marriage Rates.--Officers, 1st January 1905.

Number entered unmarried	1,079
Number over all years under observation	7,782
Exits by death and otherwise	83
Number of marriages	532
Number over all years subject to marriage	6,569

On the above data the following rates are deduced according to years of service and compare with those based on the experience to 1st January 1899, and with those btaoined by the late Mr. Sutton on the experience of the Bengal Civil Fund as under:—

Service.	Sutton's Bengal.	Experience to 1st January 1899.	Experience to 1st January 1905.
0	·077	·057	·040
1	·078	·065	·052
2	·079	·073	·076
3	·080	·085	·083
4	·085	·090	·100
5	·090	·095	·102
6	·095	·100	·104
7	·100	·105	·106
8	·105	·110	·116
9	·115	·120	·126
10	·130	·135	·134
11	·150	·150	·138
12	·130	·140	·136
13	·115	·120	·128
14	·110	·110	·112
15	·100	·100	·092

Taking one with another the rates agree so nearly that it becomes a mere matter of "leaving well alone," or, in other words, of accepting the table I selected for the last valuation. For that valuation I accepted the rates based on the experience of the Fund for the first 15 years of service, and then followed on with the rates obtained by Mr. Sutton on the experience of the Bengal Civil Fund. A few officers entered the service already married. I am unable to include these among the marriages of officers whilst in the service, as I am not in possession of data that would enable me to ascertain the numbers of such officers, subject to marriage prior to their becoming members of the Fund. But it proves this, that I have rather under than overstated the marriage rate at the younger ages. At the same time, the number of officers entered the service already married is small, and could not materially effect the rates I assumed in the last valuation Thus I feel justified in making no change.

Mortality Rates—Wives of Officers, 1st January 1905.

The experience of the Fund is too small to permit of a table being based thereon The rates compare with those obtained on the experience to 1st January 1899 in the following manner:—

—	Ages.	Average Rate at each Age.	
		To 1st January 1899.	To 1st January 1905.
	20 to 24 inclusive	·0073	·0060
	25 to 29 inclusive	·0032	·0036
	30 to 34 inclusive	·0033	·0047
	35 to 39 inclusive	—	·0022

In my last report on this fund, I mentioned the fact that it would be very unsafe to assume higher death rates than might be likely to prevail in the future, and I selected, for the reasons I then gave, and which need not here be repeated, the Institute of Actuaries H^F table for ages up to 24. Then for ages from 25 to 46 inclusive, I adopted the rates I obtained on the experience of the Indian Military Fund and, after the age of 46, I followed on with the rates for Government Annuitants (old table) the same as in the case of the Indian Military Service Family Pension Fund. This combination table I have used for the purposes of the present valuation. It is as follows:—

Age.	—	Age.	—	Age.	—
16	·0071	32 ...	·0108	48 ...	·0128
17	·0071	33 ...	·0110	49 ...	·0133
18	0069	34 ...	·0110	50 ...	·0137
19	·0067	35 ...	·0110	51 ...	·0142
20	·0069	36 ...	·0110	52 ...	·0146
21	·0073	37 ...	·0100	53 ...	·0151
22	·0079	38 ...	·0085	54 ...	·0158
23	·0088	39 ...	·0080	55 ...	·0164
24	0098	40 ...	·0080	56 ...	·0171
25	·0108	41 ...	·0080	57 ...	·0178
26	·0110	42 ...	·0080	58 ...	·0187
27	·0103	43 ...	·0080	59 ...	·0194
28	·0103	44 ...	·0089	60 ...	·0204
29	·0103	45 ...	·0091	61 ...	·0218
30	·0104	46 ...	·0103	62 ...	·0236
31	·0106	47 ...	·0125		

Mortality Rates.—Daughters.

1st January 1905.

Number born	391
" over all ages exposed to risk	2,034
" of deaths	34

The death-rates based on the above data are—

Between birth and age 1	·0738
" age 1 and age 2	·0203
" age 2 and age 3	·0039

The ages of those exposed to risk range from 0 to 20 years. Of the 34 deaths, 27 occurred between birth and age one, six between the ages of one and two, and one between the ages of two and three. No deaths have occurred at older ages. The experience, however, is not wide enough to enable me to accept the results obtained otherwise than as an indication of low rates ruling in the future. To accept as a future basis results showing no deaths at all after the age of 2½ years would be an absurdity. Yet, so far, this is the actual case as touching the lives of the daughters of our Indian Covenanted Civil officers. But it should not be forgotten that, on a small experience such as this, it requires but six or seven deaths spread over the various ages to put quite a different complexion on the existing state of affairs. I have, therefore, for the purposes of this valuation, adopted the rates I used in the last civil valuation and also in the valuation of the Indian Military Service Family Pension Fund, these low rates being, in my opinion, the most likely to prevail in the future as indicated by the present experience.

Marriage Rates.—Daughters.

1st January 1905.

Only five daughters had attained the age of 17 at the date of this experience. Three of these were between 17 and 18 years of age, one between 19 and 20, and one between 20 and 21. Thus I am placed in practically the same position as at the date of

the last valuation, at which date no daughters had attained a marriageable age. I then gave my reasons for adopting the rates found to exist by the late Mr. Sutton on the experience of the Bengal Civil Fund, these rates being almost the same as those assumed in the construction of the original scheme. In the Indian Military Service Family Pension Fund the rates continue to remain low, but there are good reasons for believing that it will be otherwise in the case of daughters belonging to this fund. Thus I have again adopted the rates based upon the experience of the Bengal Civil Fund.

Mortality Rates.—Sons.

Number born	421
" over all ages exposed to risk	2,124
" of deaths	33
The death-rates based on the above data are—	
Between birth and age 1	·0530
" age 1 and age 2	·0272
" age 2 and age 3	·0071
" age 13 and age 14	·0323

The ages of those exposed to risk range from age 0 to age 20. Of the 33 deaths, 21 occurred between the ages of 0 and 1, nine between the ages of one and two, two between the ages of two and three, and one between the ages of 13 and 14. As in the case of daughters, so it is in the case of sons, and my remarks on the lives of the former apply equally here. It will be noticed that, of the 421 boys born, only 21 died before completing one year of age, whilst, of the 391 girls born, no fewer than 27 died before the end of the first year. On the other hand, of the 613 boys whose lives were exposed to risk between one and three years of age, 11 of them died in the two years, whilst of the 552 girls exposed to risk, only seven died. The following comparative table is interesting:—

Ages.	Deaths per cent.	
	Girls.	Boys.
Between birth and one	7·4	5·3
Between one and three	1·3	1·8

Taking the first three years of life together, about 3·7 per cent. of the girls died as compared with rather less than 3·2 per cent. of the boys.

The Valuation.

For the reasons advanced in my last Report, and which are here repeated, I have again found it necessary to include in the balance sheet the values of the potential assets and liabilities pertaining to present subscribers. These potential assets and liabilities have reference to the future families of bachelors, &c., and to the additional children of existing married officers. So long as the original rate of interest is continued, and the original tables remain applicable, so long may it be considered unnecessary to deal with matters outside existing and contingent claims, because every new liability brings with it a corresponding asset. On a reduction of interest, however, or on the introduction of some other disorganising element, new assets do not correspond with new liabilities, the latter being greater than the former; and as this loss is continuous, applying, as it does, to every possible claim that can arise, it becomes necessary to value all the assets and liabilities that can be created by existing subscribers, married or single. By so doing, the

valuation becomes extended to a period far beyond the range of contingent liabilities; and the results, in consequence, when compared with those of earlier valuations, where potential values have been omitted, may possibly assume an appearance of inconsistency unless the figures are closely examined into. Moreover, on the introduction of either of the changes alluded to, the calculations on which is estimated the aid to be derived from unmarried subscribers, become vitiated, the amount in excess of what is required during the Funds' infancy, and which we have spent by allowing a reduction of subscription, being swamped by the loss sustained at the fag end of the period pertaining to existing subscribers. This excess amount received in the earlier years having been spent on the assumption of a continuation of the original tables and interest rate, there is nothing left to make good the loss incurred at the end of the period unless the scale of contributions be so increased as to fully counteract the effect of the changes introduced. In the original scheme it was assumed that there would exist indefinitely a certain proportion of bachelor members from whom, at a given rate of interest, an annual sum would be derived sufficient to supply the deficiency in the required amount of married members' subscription for children. By this assumption, if the interest rate be reduced, we trespass upon future subscribers to make good a loss new being created. But in the event of the Fund being closed, or, which is the same thing, new conditions being made for new entrants, the revenue from this source, is, *de facto*, at once cut off; and it will thus be understood that the result of a valuation, excluding potential claims, must be of a very misleading character, since the capital, which is included therein as an asset, is not wholly the property of incumbent and contingent pensioners, but forms, in great part, within the limit of unmarried subscription, the nucleus of a reserve for future children of both married and unmarried subscribers. Thus, if for no other reason, potential assets and liabilities must be valued for the purpose of showing how much of the accumulated unmarried contributions should be apportioned to contingent subscriptions and how much to potential subscriptions. I shall presently show this.

The result of the valuation shows a surplus of 88,138*l*. representing about 5·8 per cent. on the total value of the liabilities, and about $13\frac{1}{3}$ per cent. on the value of the contingent assets, *i.e.*, contributions for existing wives and children, and unmarried contributions. There is no doubt that this surplus is due to the subscriptions of unmarried members, especially during the earlier years of the Fund's existence, when the bachelor members completely out-numbered the married subscribers. Now assuming the Fund at the present rate of $4\frac{1}{2}$ per cent. interest to be closed to future Covenanted Civil Servants, under which assumption every valuation *should* be made, it will be at once acknowledged that the accumulated unmarried subscriptions must be held as a reserve to meet the deficiency of subscriptions from the fathers, not only for existing children, but for these to be hereafter born. Thus in separating the potential from the contingent, &c., assets and liabilities, the past and future subscriptions of unmarried subscribers should be properly apportioned between existing and future children of present subscribers. This, indeed, is but merely carrying out the intentions of those responsible for the construction of the scheme, in which it was ruled that unmarried contributions should be considered as a "rate in aid" of the fathers' contributions for children. Surely this rule in itself has a "potential" meaning, for there were no children in existence at the time. I will now proceed to show the result of separating potential from incumbent and contingent assets and liabilities.

The accumulated unmarried contributions amount to 127,886*l*. A small proportion (a very small proportion indeed) of this sum must be due to the "rate in aid" towards the subscriptions for children now on the incumbent list. The information is not at present available, but it will be near enough to reduce the above amount by the odd 886*l*., leaving 127,000*l*. to provide a "rate in aid" towards the contributions for contingent and potential children.

	£
The value of the fathers' contributions for existing children ...	74,025
Ditto, future children	232,171
	£306,196

Thus, on this proportion, I divide the sum of 127,000*l*., as also the value of future unmarried subscription, *viz*., 78,790*l*., and my potential balance sheet becomes:—

Assets.		*Liabilities.*	
	£		£
Unmarried proportion of capital ...	96,320	Future liabilities ...	640,591
Future married contributions ...	577,407	Proportion of charges for management.	20,841
Future unmarried contributions (proportion).	59,760		
			661,432
		Surplus	72,055
	£733,487		£733,487

This surplus represent about 11½ per cent. on all potential contributious, married and unmarried.

Deducting the above potential values from the valuation balance sheet, the surplus amounts to only 16,083*l*., representing about 2·7 per cent. on the contingent contribution, married and unmarried (593,278*l*.).

This proves that the surplus is mostly, if not entirely, due to unmarried contributions, and it further proves the necessity for including potential assets and liabilities in the valuation balance sheet.

Assuming, then, the continuance of a 4½ per cent. rate of interest, so far as existing subscribers are concerned, I recommend for favourable consideration an *all-round* reduction of 13½ per cent. as a temporary measure.

I may take this opportunity of bringing to the notice of those subscribers who have expressed their opinion that to subscribe to this Fund is to make a bad investment, that, in addition to any reduction in the scale of contributions that might be sanctioned by the Secretary of State for India in Council, such reduction being wholly due to the favourable rate of interest allowed in the past, the following benefits are provided entirely out of Indian revenue :—

	Class II.	Class III.	Class IV.	Class V.
Pensions to widows	60*l*.	120*l*.	110*l*.	150*l*.

	From birth till age 6.	From age 8 till age 12.	From age 12 till marriage for girls, and till age 21 for boys.
Pensions to childern	6*l*. 5*s*.	12*l*. 10*s*.	25*l*.

Pensions to motherless orphans made up by Government to 190*l*. at all ages. Marriage donation to orphan daughters 250*l*.

WILLIS BROWNE.

The 27th August 1907.

INDIAN CIVIL SERVICE FAMILY PENSIONS.

Valuation as at 31st March 1905.

Interest 4½ per cent.

ASSETS.

	£
CAPITAL	364,655
CONTRIBUTIONS :	
Existing wives	500,093
" daughters	49,831
" sons	24,194
Future wives of bachelors and widowers. Next marriages	295,322
" " " " Subsequent marriages ...	17,902
" of married officers	32,012
Future children of bachelors and widowers. Next marriages and subsequent marriages	112,277
Future children of married officers by existing and future wives ...	119,894
Unmarried subscription	78,790
Outstanding contributions	6,310
	£1,601,280

LIABILITIES.

	£
INCUMBENT :	
Widows (including two re-married)	54,018
Daughters	11,804
Sons	8,928
CONTINGENT :	
Wives (including two re-married)	654,601
Daughters	71,728
Sons	25,880
POTENTIAL :	
Future wives of bachelors and widowers. Next marriages	313,719
" " " " Subsequent marriages ...	21,181
" of married officers	38,523
Future children of bachelors and widowers. Next marriages and subsequent marriages	129,223
Future children of married officers by existing and future wives ...	137,945
MANAGEMENT CHARGES	45,592
	1,513,142
Surplus ..	88,138
	£1,601,280

Enclosure No. 2.

REPORT BY MR. STANLEY DAY, F.I.A., dated the 16th March 1908.

INDIAN CIVIL SERVICE FAMILY PENSIONS.

I have the honour to report that, in accordance with instructions received, I have carefully considered and examined Mr. Willis Browne's Report on the valuation as on the 31st March 1905 of the assets and liabilities arising under the Indian Civil Service Family Pensions Regulations.

The difficulty as to the rate of interest allowed to be assumed on the occasion of the valuation as at 30th September 1898, does not now present itself, for I note with pleasure that the rate of interest of 4½ per cent. may be used for the purposes of this examination.

I have to express my approval of the methods of calculation used in the valuation, and of the rates of marriage and mortality adopted.

The surplus disclosed amounts to 88,138*l.*, as compared with the surplus shown on the valuation of 1898 of 21,191*l.*, on the basis of 4½ per cent. interest. The resumption of the full rates of contribution then authorised is seen to have had effect.

It will be proper to trace how the surplus has arisen. Dividing the fund shown on the *pro formâ* accounts, it appears that the balance of capital applicable to wives and widows amounts to Rs. 200,183*l.* Then if we turn to the valuation balance sheet we find:—

	£	£
that the estimate of future contributions for wives in existence is	500,093	
to this add the outstandings (roughly apportioned) of ...	4,833	
also the estimated present value of future contributions in respect of future wives of subscribers	345,236	
which together with the accumulated capital (above) of ...	200,183	
give total assests amounting of		1,050,345
On the other side there are :—		
Incumbent Pensions to widows, valued at	54,018	
Contingent Pensions in respect of existing wives valued at	654,601	
Potential Pensions in respect of future wives valued at ...	373,423	
and adding an allowance for expenses of	32,075	
we have a total liability of		1,114,117
showing a deficieney on account of wives of		63,772

From this it is evident that none of the surplus has been contributed by husbands (as such), but rather that the account has been financed by the Children's Section. This result was at first disappointing, for I had reason to expect that the contributions for wives—which were re-instated in full by Order of the 25th July 1902—would have put the Fund in order.

Looking at this a little closer and comparing the valuation of 1898 with that of 1905, the deficit of 63,772*l.* shown above compares with a deficit of 53,925*l.* for the year 1898, an increased deficiency it is true, but taken as a percentage of the total pensions contemplated it is an improvement, being at the rate of 6·2 per cent. now instead of 8·9 per cent. The difficulty seems to lie with the "potentials," where we find a deficit now of 40,553*l.* instead of 27,932*l.* as in 1898; but the *working* part of this section—the part we can more easily grasp—shows a lighter deficit now of 23,219*l.* on account of incumbent and contingent pensions as compared with shortage of 25,993*l.* in 1898. This improvement is the more marked when we consider the relative value of the pensions at stake, which are now capitalized at 708,619*l.* instead of 310,207*l.* in 1898, and the percentage of deficit to capitalized pensions is now 3·3 instead of 8·4. From

this I infer that the wives deficit of 63,772*l.* is not so serious as would appear at first sight, that with a full contribution for wives equilibrium is being regained, and that the loss shown on "potentials" is probably due to a somewhat cautious estimate of the period during which subscribers will pay the full rates for contribution.

When we turn to the children's section, a very different story appears—

	£	£
Their share of the capital is	164,472	
The value of contributions from fathers and bachelors is ...	384,986	
and there are outstandings (apportioned) of	1,477	
making a total asset of		550,935
Against this we set—		
The value of pensions—incumbent, contingent, and potential, of	385,508	
and expenses	13,517	
and find a total liability of		399,025
which shows the large surplus of		£151,910

There is clearly room for substantial relief to be given to contributors here, and it will not be surprising to find that the whole surplus arises from the subscriptions of bachelors. It will be as well to try to understand the position.

The gross assets applicable to the children's section, both in respect of past accumulations and estimated future contributions, are taken at 550,935*l.*, of which 343,497*l.* is due to the contributions of the fathers, and the balance of 207,438*l.* to unmarried subscriptions, the ratio being as 62 : 38.

In the original scheme it was estimated that for pensions to a pair of children (boy and girl) the proportions of contributions by the father and his bachelor friends should be as 76 : 24, and in addition to this there was originally a further contribution from the father by way of donation, but the donations so paid did not amount to much, and none have been required for many years. Mr. Willis Browne, on the first investigation as at 30th September 1888, gave the proportions from father and bachelor friends as 67 : 33, but in the present valuation the ratio, as shown above, is 62 : 38.

I have not attempted here to differentiate between contingent and "potential" contributions, recognizing the force of Mr. Willis Browne's observations on the impracticability of ignoring "potential" contributions and liabilities for children, while a rate in aid is required from bachelors, which rate in aid cannot be made to fall due coincidently with the contributions to be drawn from fathers.

I find, on comparing the contributions of bachelors in this and the corresponding Military Scheme, that the average annual contribution from a bachelor civilian is 22*l.* 10*s.*, while the average from a military bachelor is only 5*l.* 10*s.*, but the cases are somewhat different, especially as regards the marriage rate. The recent valuations estimate the contributions from civilian bachelors at eight years' purchase, and those from the military at 16 years' purchase; and taking the contributions per man into the average number of years in expectation, we have a capitalised amount of 180*l.* from the civilian, and 88*l.* from the military officer. It may be proper to add here that in the estimate of bachelors, subscriptions those from widowers are included.

The whole surplus clearly arises from the contributions of the bachelors through the children's section. My first thought was to relieve the bachelors of their subscriptions altogether, but this seems somewhat too drastic, and on consideration it is evident that many who contributed to the surplus as bachelors have now joined the ranks of the husbands and fathers The simple all-round reduction will therefore probably be in the end the most equitable.

Mr. Willis Browne recommends a general reduction of subscriptions of 13⅓ per cent., and this reduction is perfectly justified by the surplus shewn; but the fraction is an unusual one, and, being not so very different from the simple 12½ per cent. or ⅛, I should think that convenience of office practice would be in favour of the latter. It is understood that the donations are to be payable in full as before.

I have only to add, as a minor point, that it would be a convenience if the actuary were supplied, on a future reference, with particulars of the marriages in which there is a difference of more than five years between the ages of the husband and wife, and of the "Disparity Donations" thereby involved.

STANLEY DAY,

Fellow of the Institute of Actuaries,

14, Leadenhall Street,

16th March 1908. London, E. C.

Enclosure No. 3.

INDIAN CIVIL SERVICE FAMILY PENSIONS.

Receipts and Payments each half-year from 1st October 1898 to 31st March 1905.

Half-year ended.	In India.	In England.	Total.
	RECEIPTS.		
	£ s d	£ s. d.	£ s. d.
31st March 1899	7,822 1 7	1,779 15 1	9,601 16 8
30th September 1899	7,964 9 5	2,113 4 8	10,077 14 1
31st March 1900	9,762 2 4	2,036 13 3	11,798 15 7
30th September 1900	9,399 7 4	1,941 10 0	11,340 17 4
31st March 1901	11,625 12 9	1,900 6 1	13,525 18 10
30th September 1901	10,575 12 9	1,661 1 8	12,236 14 5
31st March 1902	11,775 0 0	3,283 6 4	15,058 6 4
30th September 1902	11,955 11 4	2,771 16 7	14,727 7 11
31st March 1903	17,¢55 8 6	3,297 7 11	20,952 16 5
30th September 1903	19,183 13 7	2,731 2 5	21,914 16 0
31st March 1904	19,981 6 9	4,646 14 8	24,628 1 5
30th September 1904	20,542 10 2	3,933 7 11	24,475 18 1
31st March 1905	22,683 1 11	3,709 5 9	26,392 7 8
£	180,925 18 5	35,805 12 4	216,731 10 9
	PAYMENTS.		
31st March 1899	195 11 0	985 12 6	1,181 3 6
30th September 1899	199 2 3	973 2 6	1,172 4 9
31st March 1900	244 1 0	972 5 10	1,216 6 10
30th September 1900	234 19 8	905 15 5	1,140 15 1
31st March 1901	290 12 10	999 7 6	1,290 0 4
30th September 1901	307 19 1	1,404 11 4	1,712 10 5
31st March 1902	335 9 4	1,653 12 7	1,989 1 11
30th September 1902	298 17 9	2,260 12 3	2,559 10 0
31st March 1903	518 5 0	2,347 15 4	2,866 0 4
30th September 1903	633 6 10	2,467 14 9	3,101 1 7
31st March 1904	718 12 6	2,415 12 5	3,134 4 11
30th September 1904	721 2 6	2,382 6 10	3,103 9 4
31st March 1905	712 15 7	2,638 5 5	3,351 1 0
£	5,410 15 4	22,406 14 8	27,817 10 0

Financial (Funds) Despatch of the 25th July 1902, No. 4, published in the "Gazette of India" of the 30th August 1902, ordered the reversion to the original rates of subscription, from which a temporary reduction of 27½ per cent. had been allowed since the 1st October 1906. The original rates were reverted to from 1st September 1902.

INDIAN CIVIL SERVICE

Consolidated Account of Receipts and Expenditure (India and

RECEIPTS.

				£ s. d.
Balance on 30th September 1898				115,241 18 0
Interest allowed on half-yearly balances from 1st October 1898 to 31st March 1895				60,499 3 3
—	In India.	In England.	Total.	
	£ s d.	£ s. d.	£ s. d.	
From Married Members.				
Donations on marriage	23,029 11 2	6,522 14 1	29,552 5 3	
Fines	...	3 16 0	3 16 0	
Subscriptions	94,511 5 4	18,105 14 9	112,617 0 1	
Do. commuted	...	654 5 0	654 5 0	
Interest on arrears	349 5 1	23 8 8	372 13 9	
	117,890 1 7	25,309 18 6	143,200 0 1	
Less refunds of excess payments ...	...	89 4 2	89 4 2	
£	117,890 1 7	25,220 14 4	143,110 15 11	143,110 15 11
On account of Children.				
Sons :—				
Subscriptions	7,762 9 9	1,628 10 1	9,390 19 10	
Do. commuted ...	...	67 14 11	67 14 11	
Fines	...	4 16 0	4 16 0	
Daughters :—				
Subscriptions	14,032 8 4	2,844 3 3	16,876 11 7	
Do. commuted	...	136 4 8	136 4 8	
Fines	...	1 4 0	1 4 0	
Unmarried subscriptions	41,240 18 9	5,906 3 8	47,147 2 5	
Interest	...	0 1 1	0 1 1	
	63,035 16 10	10,588 17 8	73,624 14 6	
Less refunds of excess payments ...	...	3 19 8	3 19 8	
£	63,035 16 10	10,584 18 0	73,620 14 10	73,620 14 10
£				392,472 12 0

The total sum paid in respect of pensions during the period of this account paid by Government.

FAMILY PENSIONS.

England) for period 1st October 1898 to 31st March 1905.

PAYMENTS.

—	In India. £ s. d.	In England. £ s. d.	Total. £ s. d.	£ s. d.
Annuities:—				
Widows	766 18 4	15 515 12 4	16,282 10 8	
Sons	3 11 10	3,209 5 2	3,212 17 0	
Daughters	95 9 8	2,329 7 2	2,424 16 10	
Charges of management ...	4.544 15 6	1,300 0 0	5,844 15 6	
Report by Actuary	...	52 10 0	52 10 0	
	5,410 15 4	22,406 14 8	27,817 10 0	27,817 10 0
Balance on 31st March 1905 ...	...	... ...	... ...	364,655 2 0
			£	392,472 12 0

was 35,430*l.* 4*s.* 5*d.*, the difference, *viz.*, 13,509*l.* 19*s.* 11*d.*, represents the portion

FRANK B. ARMSTRONG,

Director of Funds.

ENCLOSURE NO. 4.

Revised Table of Monthly Contributions, Indian Civil Service Family Pensions.
Table V.—Monthly Contribution by every Subscriber according to his class.

Class.	Years' Service.	By each Married Subscriber: Fixed Sterling Rates.	By each Married Subscriber: Reduced temporarily 12½ per cent.	By each Subscriber who is Unmarried or a Widower: Fixed Sterling Rates.	By each Subscriber who is Unmarried or a Widower: Reduced temporarily 12½ per cent.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.
V. ...	0 to 7	2 13 4	1 9 2	1 5 0	1 1 10
IV. ...	7 to 12	1 16 8	2 9 7	1 15 0	1 10 7
III. ...	12 to 15	4 6 8	3 15 10	2 12 0	2 5 6
II. ...	15 to 18	6 16 8	5 19 7	3 12 0	3 3 0
I.	18 and over	9 13 4	8 9 2	..	...
	18 to 23	...	...	4 15 0	4 3 1
	23 to 28	...	...	5 15 0	5 0 7
	28 till retirement ...	...	...	7 5 0	6 6 10
After retirement irrespective of class	...	4 3 4	3 12 11	2 1 8	1 16 5

Table VI.—For Children.

	Fixed Sterling Rates.	Reduced temporarily 12½ per cent.
	£ s. d.	s. d.
For a son	0 11 5	10 0
For a daughter	1 1 3	18 7

FRANK B. ARMSTRONG.

4th June 1908.

ORDERED that the despatch and enclosures be published in the *Gazette of India* for general information.

J. B. BRUNYATE,
Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 10th July, 1908.

PROMOTIONS.

No. 572.— The following promotions are made, subject to His Majesty's approval :—

* * * * * * * *

INDIAN CIVIL VETERINARY DEPARTMENT.

To be Major.

(21st June 1908.)

Captain A Smith , F.R.C.V.S,

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Punjab Light Horse.

No. 583.—The Hon'ble Sir Louis William Dane, K.C.I.E., C.S.I., Lieutenant-Governor of the Punjab, to be Honorary Colonel, *vice* the late Sir Denzil Charles Jelf Ibbetson, K.C.S.I. Dated 25th May 1908.

1st Punjab Volunteer Rifles.

No. 586.—The Hon'ble Sir Louis William Dane, K.C.I.E., C.S.I., Lieutenant-Governor of the Punjab, to be Honorary Colonel, *vice* the late Sir Denzil Charles Jelf Ibbetson, K.C.S.I. Dated 25th May 1908.

Simla Volunteer Rifles.

No. 587.—Lieutenant Robert Erskine Holland to be Captain, *vice* Gabriel transferred to the Supernumerary List. Dated 1st June 1908.

Second Lieutenant Arthur Roylance Jelf to be Lieutenant, *vice* Holland promoted. Dated 1st June 1908.

CANTONMENTS.

REGULATIONS.

No. 502.—In exercise of the powers conferred by sections 25 and 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to direct that the following amendments shall be made in the Cantonment Code, 1899 namely:—

1. In *section* 2, *sub-section* (1), *clause* (*m*), for the words "meat, fish, fruit, vegetables, milk or any other perishable" the word "any" shall be substituted.

2. To *section* 4 the following shall be added, namely:
"and may similarly revoke any appointment so made."
3. In *section* 21 the third proviso is hereby cancelled.
4. To *section* 23 the following shall be added, namely:

"*Explanation.*—In this section the word 'sweeper' includes any menial employed, by the cantonment authority in the removal or disposal of filth or rubbish."

5. In *section* 29, *sub-section* (1), after clause (*a*) the following shall be inserted namely:

"(*b*) the payment of such allowances to officers performing the duties of Cantonment Magistrates, as the Commander-in-Chief in India, with the concurrence of the Local Government, may determine."

6. In *section* 36, *sub-section* (2), *clause* (*a*), *sub-clauses* (*i*) *and* (*ii*), for the words "one hundred rupees" where they occur the words "five hundred rupees" shall be substituted.

7. In *section* 66—

(*a*) in *clause* (*a*), after sub-clause (xiv) the following shall be inserted, namely:

"(xv) carries nightsoil or other offensive matter or rubbish at hours, or by roads, prohibited by the cantonment authority by public notice, or in any pattern of cart or receptacle which has not been approved for the purpose by the cantonment authority, or who fails to close such cart or receptacle, when in use;"

(*b*) in *clause* (*c*), after the words "deposits or permits his servant to deposit," the words "earth or materials of any description or" shall be inserted; and

(*c*) for *clause* (*k*) the following shall be substituted, namely:

"(*k*) discharges fire arms or lets off fire-works or fire-balloons, or flies kites, or engages in any game, in such a manner as to cause or be likely to cause danger or annoyance to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property."

8. For *section* 76 the following shall be substituted, namely;

Cesspools, receptacles, for filth, etc. "76. The Cantonment Magistrate may by notice in writing,—

(*a*) require any person having the control, whether as owner, lessee or occupier, of any land or building—

(i) to close any offensive cesspool belonging to the land or building, or

(ii) to provide a receptacle (of a pattern, if any, approved of by the cantonment authority) for filth or sullage water accumulating on or in the land or building, or

(iii) to keep in a cleanly condition (in such manner, if any, as may be prescribed by the notice), any receptacle provided for such filth, or

(iv) to prevent the water of any private latrine, urinal, sink or bathroom, or any other offensive matter, from soaking, draining, flowing or being put from the land or building upon any street or public place or into any water-course or into any drain not intended for the purpose; or

(*b*) require any person who has the control, whether as owner, lessee or occupier, of any land or building, and has allowed any offensive matter or rubbish to accumulate or remain thereon or therein, to collect the same and deposit it, for removal by the public conservancy establishment, at such times and in such receptacles or places situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice; or

(*c*) require any person to desist from making or altering any drain leading into a public drain; or

(*d*) require any person who is creating or likely to create a nuisance by—

(i) altering, obstructing or encroaching upon a public drain, or

(ii) impeding the flow of water owing to the absence of a culvert or the existence of an insufficient culvert under a path leading to his premises,

to desist therefrom; or

(*e*) require any person having the control of a drain to remove, within a period to be specified in the notice, any obstruction from the same, or to cleanse, purify, repair or alter the same or otherwise put it in good order; or

(*f*) require any person, being the owner or having the control of any well, to disinfect or otherwise purify the same or protect it against contamination, in such manner and within such period as may be specified in the notice.

Private latrines.

"75A. The cantonment authority may, by notice in writing,—

(*a*) require the owner or other person having the control of any private latrine or urinal not to put the same to public use; or,

(*b*) where any plan for the construction of private latrines or urinals has been approved of by the cantonment authority and copies thereof may be obtained free of charge on application,—

(i) require any person repairing or constructing a private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Cantonment Magistrate and approved of by him as conforming with that plan, or

(ii) require any person having the control of a private latrine or urinal to rebuild or alter the same in accordance with that plan; or

(*c*) require the owner or other person having the control of any private latrine or urinal which, in the opinion of the cantonment authority, creates a nuisance, to remove the latrine or urinal, and to substitue fresh earth, to such a depth not exceeding two feet, as may be specified in the notice, for the earth on which the latrine or urinal stood; or

(*d*) require any person having the control, whether as owner, lessee or occupier, of any land or building,—

(i) to have any latrine provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling or working in the neighbourhood, or

(ii) to cleanse with deodorants any latrine or urinal belonging to the land or building; or,

(e) where any land or building is situate within one hundred feet of a public drain or other place set apart for the discharge of drainage and the drains belonging to the land or building are, in the opinion of the cantonment authority, insufficient, require any person having control of the land or building whether as owner or lessee, or, in the case of neighbouring lands or buildings, the several lessees or owners having control of the lands or buildings conjointly, to provide sufficient drainage within fifteen days from the service of the notice; or

(f) require any person who is constructing or laying a drain, to obey any directions which the cantonment authority may, on the advice of the Executive Engineer, think fit to give in order to ensure the completion of the works to its satisfaction; or

(g) require any person, being the owner and having the control of any drain, to provide and apply to the same, within ten days from the service of the notice, such covering as may be specified in the notice."

9. In *section* 78, *sub-section* (1), after the word "filth" the words "or sullage water" shall be inserted.

10. In *section* 84, for the words "cantonment authority" the words "Cantonment Magistrate" and for the words "appears to it" the words "appears to him" shall be substituted.

11. After *section* 86 the following shall be inserted, namely:

"86 A. The cantonment authority may, by order in writing, permit the temporary occupation of any street, or land vested in it, for the purpose of depositing any building materials, or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling in the neighbourhood, and may charge fees for such permission, and may, in its discretion, withdraw the permission." [Act XVIII, 1889, s. 61.]

Temporary occupation of street, land, etc.

12. In *section* 89, *sub-section* (1),—

(a) for clauses (c) and (d) the following shall be substituted, namely:—

"(c) the ventilation of the building, the minimum cubic area of the rooms, and the number and height of the storeys of which the building may consist;

"(d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for filth";

(b) the word "and" at the end of *clause* (e) shall be omitted, and

(c) after *clause* (f) the following shall be inserted, namely:—

"and

(g) the means to be provided for egress from the building in case of fire."

13. In *section* 94,—

(a) After the words "or in any way dangerous" the words "either, in the case of an occupied building to the occupier or to the public" shall be inserted; and

(b) for the words "for the public safety" the words "for the safety of the occupier or of the public" shall be substituted.

14. In *sections* 95 *and* 97, for the words "cantonment authority" where they occur the words "Cantonment Magistrate" shall be substituted.

15. In *section* 98, for the words "Officer Commanding the Division" the words "Commander-in-Chief in India" shall be substituted.

16. In *section* 100, the words "and to remove any dead trees from such land" shall be added to *clause* (b).

17. In *section* 102,—

(a) for the words "cantonment authority" the words "Cantonment Magistrate" shall be substituted; and

(b) at the end of the section the following shall be added, namely:—

"and may require him by notice in writing to restore the land to the condition it was in previous to such improper use:

Provided that, where such use of the land has continued for thirty days, the owner, lessee or occupier shall not be required so to restore the land to its previous condition."

18. In *section* 103, the word "grass" shall be omitted.

19. In *section* 105, *sub-section* (1) *clause* (*a*), for the words "the officer in charge of the police-station within the jurisdiction of which the sarai is situated" the words "the Cantonment Magistrate" shall be substituted.

20. In *sections* 114 *and* 124, for the words "free of charge" where they occur the words "on payment of the prescribed fee, if any," shall be substituted.

21. In *section* 136, for the words "cantonment authority" the words "Cantonment Magistrate" shall be substituted.

22. In *section* 137, after the word "lamp" the words "placed on the right side thereof" shall be inserted.

23. In *section* 167,—

(*a*) to clause (*e*) the following shall be added, namely:—

"and makers or sellers of ghi;"

(*b*) after *clause* (*p*) the following shall be inserted, namely:—

"(*q*) sellers of wheat, rice and other grains, or flour used as human food;

(*r*) makers or sellers of sugar or sweetmeats;

(*s*) hawkers and pedlars"; and

(*c*) for the *second proviso* the following shall be substituted, namely:—

"Provided, secondly, that such fee shall be payable for the grant of the license as the cantonment authority may fix."

24. In *section* 168,—

(*a*) after the words "trade, calling or occupation" the following shall be inserted, namely:—"and may regulate the hours and manner of transport within the cantonment of any specified articles intended for human consumption";

(*b*) in *clause* (*e*), after the word "buttermen" the words "and sellers of ghi" shall be inserted;

(*c*) for *clause* (*f*) the following shall be substituted, namely:—

"(*f*) in the case of makers of bread, biscuits, cake or sweetmeats and sellers of bread, biscuits or cake made in India or sweetmeats;" and

(*d*) in sub-clause (*ii*) of the same clause, after the word "cake" the words "or sweetmeats" shall be inserted.

25. In *section* 185, for the words "officer in charge of the nearest police-station in the cantonment" the words "Cantonment Magistrate" shall be substituted.

26. In *section* 193, for the words "cantonment authority" the words "Cantonment Magistrate" shall be substituted.

27. To *section* 204 the following shall be added, namely:—

"(3) No person who has been prohibited under sub-section (1) from remaining in or re-entering any cantonment, shall enter any other cantonment in British India without the written permission of the Commanding Officer in that cantonment."

28. In *section* 206, *sub-section* (1), for the words "cholera hospital or cholera camp" the words "hospital or segregation camp" shall be substituted.

29. In *section* 219, after the word "authority" the following shall be inserted, namely:—"or without payment of such fees as the cantonment authority may fix in that behalf."

30. In *section* 226, to sub-section (1) the words "in writing" shall be added.

31. In *section* 285, for sub-section (2) the following shall be substituted, namely:—

"(2) Any money claimable by the cantonment authority under this Code, otherwise than on account of a tax, may be recovered on application to a Magistrate having jurisdiction within the limits of the cantonment, or in any other place where the person from whom the money is claimable may for the time being be resident, by distress or sale of any moveable property within the limits of his jurisdiction belonging to such person.

(3) When money is recoverable from the owner of property, it shall, until it is paid, be a charge on the property."

32. After *section* 288 the following shall be inserted, namely:—

"288A. In cases of emergency the Cantonment Magistrate may direct the execution of any work or the doing of any act which the cantonment authority is empowered to execute or do and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing such work shall be paid from the cantonment fund:

Execution of work in cases of emergency. [Act XX, 1891, s. 17A.]

Provided that—

(*a*) he shall not act under this section in contravention of any order of the committee, and

(*b*) every direction given under this section shall be reported to the next following meeting of the committee."

A. W. L. BAYLY,
Secretary to the Government of India.

FROM THE EXTRA ORDINARY "GAZETTE OF INDIA," DATED JULY, 22, 1908.

FINANCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

PUBLIC DEBT.

No. 4124-A.

Calcutta, the 22nd July, 1908.

THREE-AND-A-HALF PER CENT. LOAN.

His Excellency the Right Honourable the Governor General in Council has resolved to borrow two hundred lakhs of rupees for the public service in the following manner:

2. Promissory Notes will be issued for the said amount in the Form annexed to this Notification, being the form of the notes of *the Three-and-a-half Per Cent. Loan of 1900-01*, of which loan the notes to be now issued will form a part. All the conditions which apply to notes of *the Three-and-a-half Per Cent. Loan of 1900-01*, will apply to the notes to be now issued. The interest on the notes of that loan is payable half-yearly on the 30th day of June and the 31st day of December; and the notes are not liable to discharge before the 31st day of December 1920.

Tenders.

3. Tenders for the whole or any part of the said amount of Rs. 2,00,00,000 will be received by the Comptroller General from this date to noon, standard time,* of Tuesday, the 4th August 1908. Tenders must be for sums of 100 Rupees or multiples of that sum.

4. Each tender must be addressed, in the form annexed to this Notification, to the Comptroller General, Calcutta, and enclosed in a closed cover, superscribed "*Tender for the Three-and-a-half Per Cent. Loan.*" If the tenderer is not resident in India, he must name an agent resident in India to whom an allotment-certificate may be issued, if any part of the loan is allotted to such tenderer.

NOTE (1).—Tenders made in accordance with these instructions will also be received by the Accountants General at Madras, Bombay, Allahabad, Lahore and Rangoon on account of the Comptroller General, Calcutta, on the 3rd August and up to noon, standard time,* on the 4th August, provided that—

(*a*) they are delivered personally or by clerk or messenger at the Accountant General's Office (where a receipt will be given for them);

(*b*) they are made on printed forms, to be obtained at the same office or at the Local Presidency Bank;

(*c*) each tender is for not less than Rs. 10,000;

(*d*) the deposit is either a Promissory Note or a Treasury Receipt from the local office of the Presidency Bank, or a cheque on a local Bank in favour of the Accountant General;

(*e*) the amount of the tender is made payable at the place of tender (Madras, Bombay, Allahabad, Lahore or Rangoon) as the case may be or in Calcutta;

and the Accountant General will return deposits on non-accepted tenders and will issue allotment certificates so far as the tenders are payable in Madras, Bombay, Allahabad, Lahore or Rangoon.

* Noon, standard time, corresponds to 12-24 P. M., Calcutta time.

5. The rate at which each tender is made must be specified in rupees or rupees and annas: a tender in which no rate is thus specified, but a subscription is offered in some other terms—as, for example, at the recorded minimum, or at some specified percentage in addition to the recorded minimum, or at the average of the accepted tenders—will be rejected as null and void.

6. The rate at which a tender is made must not contain a fraction of an anna: if a rate containing a fraction of an anna is inserted in any tender, such fraction will be struck out and the tender treated as if the rate did not contain such fraction of an anna.

Deposits.

7. Each tender must be accompanied by a deposit of not less than one-hundredth or, if the tender be for less than Five Lakhs of Rupees, then for not less than one-fiftieth part of the tender. The deposit must be in one of the following forms: (*a*) a receipt for the amount from the Head Office of the Bank of Bengal, or Madras, or Bombay or one of their Branches, or from an officer in charge of some Public Treasury, or (*b*) a cheque drawn in favour of the Comptroller General on a Bank in Calcutta, Madras, Bombay, Allahabad, Lahore or Rangoon, or (*c*) Government Promissory Notes[1] standing in the name of, or endorsed to, the tenderer or the person making the deposit.

1 *It is particularly requested that such Promissory Notes may NOT be endorsed to the Comptroller General.*

8. (*a*) Deposits, not being Promissory Notes, will, in the case of accepted tenders, be credited proportionately in part payment of the allotment-certificates issued in respect of the tender, and will bear interest for the purpose of clause 16 below from the date of the opening of tenders. When a tender is not accepted in full, the deposits, when they are not in the form of Promissory Notes, will be credited as far as possible proportionately in part payment of the allotment certificates issued in respect of it. If any allotment-certificate is not fully taken up, the deposit credited in respect of it will be forfeited.

(*b*) Promissory Notes deposited in respect of any accepted tender will be held until all the allotment-certificates issued in respect of the tender are paid up, and will, if the allotment-certificates are not fully taken up, be appropriated by the Government and cancelled.

Opening of Tenders.

9. The minimum rate at which tenders will be accepted will be recorded under the signature of the Comptroller General, and, before the tenders are opened, placed upon the table in a sealed envelope, but will not be declared unless some tender is rejected only because it is below the recorded minimum.

10. Tenders will be opened publicly by the Comptroller General at the Treasury Buildings, Calcutta, at noon, standard time,* on Tuesday, the 4th August next, and those received under the terms of note (1) to clause 4 will be similarly opened by the Accountants General at Madras, Bombay, Allahabad, Lahore, and Rangoon at noon, standard time, on the same day; but the contents of the tenders will not be disclosed otherwise than as provided in clause 12.

11. Tenders at rates not below the minimum rate will be accepted in the order of the rates tendered, beginning with the highest rate. The amount allotted at the lowest rate at which tenders are accepted will be divided amongst those who have tendered at this rate in proportion, as nearly as may be found convenient, to the amounts of their tenders; provided that no allotment will be issued if the amount distributable on any tender is less than Rs. 100: preference will however be given to small tenders, not exceeding Rs. 2,000, at the lowest accepted rate, such tenders receiving allotments in full as far as possible.

Allotment-Certificates.

12. To each tenderer (or to his agent) whose tender is accepted in whole or in part, such number of allotment-certificates as may be necessary to make up the aggregate amount allotted to him will be issued by the Comptroller General[1] as soon as possible after the 4th August and an alphabetical list of the names of those to whom such allotment-certificates are issued will be posted for general information at the Head Offices of the Banks of Bengal, Madras, and Bombay, and at the Branch Offices of the Bank of Bengal at Allahabad, Lahore, and Rangoon.

1 For tenders received by the Accountant General at Madras, Bombay, Allahabad, Lahore or Rangoon, and payable at those places, the Accountant General will issue the allotment-certificates.

13. If the allotment made on any tender is less than Rs. 3,000, then the whole of the allotment-certificates [after credit of the deposit under clause 8 (*a*)] will be made payable upon the 4th September.

* Noon, standard time, corresponds to 12-24 P. M., Calcutta time.

Otherwise the whole amount of each allotment will be divided into three instalments as follows:

Instalment I.—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon the 21st August.

Instalment II.—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon the 4th September.

Instalment III.—The balance payable upon the 23rd September.

and allotment-certificates will be issued for each instalment separately.

But the whole or any part of any accepted tender may be paid at any time after receipt of the allotment-certificates.

The words "as near as convenient" refer to the necessity for making each instalment an exact multiple of Rs. 100.

14. Any allotment certificates will, on application to the Comptroller General, be exchanged for an equivalent amount of allotment-certificates of smaller denominations; provided that if any payment (beyond the deposit) is recorded upon the cancelled certificate, it can be taken against, and recorded upon, only one of the certificates issued in exchange.

15. Payment of any allotment-certificate may be made to the account of the Government in the Head Office of the Bank of Bengal, or Madras, or Bombay, or in any Branch of these Banks or into any Public Treasury or Treasuries in India which may be named in the tender in respect of which it was issued. Receipts for such payments will be given by the Banks of Bengal, Madras, and Bombay, or their Branches or by the officers in charge of the Government Treasuries at which payment is made by enfacement upon the relative certificate.

Issue of Promissory Notes.

16. (*a*) When any allotment-certificate is fully paid up, the holder will, on presenting it duly receipted at the place where it was paid, obtain from the Public Debt Office, Calcutta, Promissory Notes of such values as he may desire (each note being in even hundreds, and not less than Rs. 100) bearing interest from the 31st December 1908, and he will also receive interest at 3½ per cent. per annum from the dates on which he may have made payment till the 30th December 1908.

(*b*) Or he may, at his option, by paying interest at the said rate from the 30th June 1908 to the dates on which he may have made payment, obtain Promissory Notes as above, bearing interest from the 30th June 1908.

FORM OF PROMISSORY NOTE (see Clause 2).

Fort William, the

Promissory Note *Government Rupees* *at 3½ per cent.*

No. *of 1900-01.*

The Governor General of India in Council does hereby acknowledge to have received from the sum of Government Rupees One Hundred only as a loan to the Secretary of State in Council for India, and does hereby promise, for and on behalf of the said Secretary of State in Council, to repay the said loan by paying the said sum of Government Rupees One Hundred only to the said his Executors, or Administrators, or his or their Order, on demand, at the General Treasury, at Fort William after the expiration of Three Months' Notice of Payment, to be given by the Governor General of India in Council, in the *Government Gazette*, and to pay the interest accruing on the said sum of Government Rupees One Hundred only from the at the rate of three-and-a-half per cent. per annum, by half-yearly payments, at the General Treasury, at Fort William, to the said , his Executors, or Administrators, or his or their Order, until the expiration of three months after such notice of payment as aforesaid, when the amount of interest due will be payable with the principal, and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge of this note) all further interest shall cease.

The Governor General in Council hereby further engages that Notice of Payment as aforesaid shall not be given before the Thirtieth day of September 1920, and that this Note shall not be discharged before the Thirty-first day of December 1920.

FORM OF TENDER (see Clause 4).

I, *A. B*, hereby tender for Rupees (X) of *The Three-and-a-half Per Cent. Loan* advertised in the notification published in the *Gazette of India, Extraordinary*, dated the 22nd July, 1908, and agree to pay for the same, subject to the conditions notified, at the rate of Rupees (Y) Annas (Z) for every hundred rupees allotted to me.

I enclose a *deposit receipt** for rupees (XX), and engage, if my offer be accepted, to pay to the account of the Government at the *Bank of* †

*Or Cheque or Government Promissory Note.
†Here enter the name of Bank, Branch Bank or Treasury.

or at the † *Branch of the Bank of* † ; *or into the Public Treasury at*† ; *as the case may be*—

The first instalment, as near as convenient to 35 per cent., but not exceeding 35 per cent., on or before the 21st August.

The second instalment, as near as convenient to 35 per cent., but not exceeding 35 per cent., on or before the 4th September.

The balance on or before the 23rd September :

Or, if the amount allotted to me be less than Rs. 3,000, then the whole amount on or before the 4th September.

‡Here insert *C. D.*'s address which must be in India. This paragraph should only be inserted if *A. B.* does not reside in India, or if residing in India, he wishes the allotment communicated to an agent, or desires to pay the instalments elsewhere than at the place where the tender is submitted, and wishes the allotment-certificates to be given to an agent at that place.

Any allotment made to me may be communicated to *C. D.* at ‡

NOTE—(1) *A separate tender must be made at each rate tendered. The rate tendered should be the whole amount per centum, not the premium or discount: thus "One hundred and two" or "One hundred" or "Ninety-nine," not "Two per cent. premium" or "Par" or "One per cent. discount."*

By order of the Governor General in Council,

J. B. BRUNYATE,

Secretary to the Government of India.

NOTIFICATION BY THE COMPTROLLER GENERAL.

The Comptroller General requests the attention of tenderers to the following arrangements:

Filling up tenders.

(1) They are requested to use only the printed forms of tender, which will be available at his Office and at the Currency Office on application to the Darwan on duty, at all the Provincial Account Offices, and at the Bank of Bengal, Madras, and Bombay, and will also be supplied to the Principal Treasuries.

(2) If the deposit is in the form of Promissory Notes or of Currency Notes, their number should be quoted in detail in the tender.

Presentation of tenders.

(3) For all tenders presented to him in his office upon the last fixed day, or the two days preceding it, he will give the bearer a receipt bearing a number and intialled by himself or an assistant specially deputed for the purpose. The Accountants General at Madras, Bombay, Allahabad, Lahore, and Rangoon will do likewise in respect of tenders presented to them under Note (1) to clause 4 of the Government Notification.

Return of Deposit in case of Non-acceptance.

(4) The reverse of this receipt is a form in which, in the event of the tender not being accepted, the tenderer may give to the Comptroller General or Accountant General a receipt for the deposit accompanying it. This form should, on the third day after the opening of the tenders, be filled up, signed with the same signature as the tender, and be presented at the Office of the Comptroller General or Accountant General. The deposit will then be returned to the bearer in exchange for the receipt.

(5) Deposits upon tenders presented personally, as described in No. (3) above, will be returned only in this way, and will not be sent by post or otherwise. Deposits upon other unsuccessful tenders will be returned by post or by the hands of a clerk.

Accepted Tenders.

(6) The Comptroller General and the Accountant General at Madras, Bombay, Allahabad, Lahore or Rangoon (in the case of tenders received by such Accountant General and payable in Madras, Bombay, Allahabad, Lahore or Rangoon), will issue allotment-certificates to successful tenderers. These certificates will be for the following amounts :—Rs 100, Rs. 500, Rs. 500, Rs. 1,000, Rs. 2,000, Rs. 5,000 Rs. 10,000, Rs. 20,000, Rs. 30,000, Rs. 35,000, Rs. 50,000, Rs 75,000, Rs. 1,00,000, making up the full value accepted ; and the deposit on the tender will be divided among them ; they will be substantially of the following form :

This is to certify that, in accordance with the terms of Notification No 4124-*A., dated the* 22*nd July,* 1908 (Gazette of India, Extraordinary, *dated the* 22*nd July,* 1908), *the above-named tenderer has engaged to take up Rs.* 2,000 *of the* 3½ *Per Cent. Loan of* 1900-01 *at the rate above-mentioned on or before* ; *and that on the said payment being completed, he is entitled on endorsing and delivering up this certificate to receive a Promissory Note or Notes of the Government of India for Rs.* 2,000 *bearing interest from*

CALCUTTA ;
The 22*nd July* 1908.

O. T. BARROW,
Comptroller and Auditor General.

Punjab Government Press, Lahore—24-7-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JULY 31, 1908.

PART II

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED JULY 18, 1908.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Simla, the 13th July, 1908.

No. 1606.—In exercise of the powers conferred by section 2, sub-section (1), of the Epidemic Diseases Act, 1897 (III of 1897), the Governor General in Council is pleased to direct that, until further orders, the Haj will be open to any resident in India, subject to the conditions—

(1) that no person shall be permitted to embark with the object of making a pilgrimage to Mecca except at the port of Bombay in the Presidency of Bombay:

(2) that before the pilgrims embark the ships chartered for Jedda shall be thoroughly cleansed and freed from rats by means of the Clayton process under the personal direction of the Port Health Officer:

(3) that ample hospital accommodation shall be provided on board:

(4) that before embarkation pilgrims shall be medically inspected: and their clothes and baggage disinfected as in the case of third class passengers on ordinary steamers:

(5) that the ships shall undergo further medical inspection at Aden: and

(6) that if plague is found to be present on a pilgrim vessel arriving at Aden telegraphic information shall be sent to Perim, where the vessel shall be treated as an infected ship under article 21 (3) of the Paris Convention of 1903 and the measures prescribed in that article shall be strictly carried out, a similar treatment being accorded to vessels on which plague is first discovered between Aden and Perim.

2. The orders contained in the Home Department notification No. 1214, dated the 9th August 1907, are hereby cancelled.

3. A fully equipped plague observation station for pilgrims will be established at Perim by the Government of Bombay at the commencement of each pilgrim season capable of receiving an entire shipload of pilgrims from a plague-infected vessel for treatment under article 21 of the Paris Convention of 1908.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 16th July, 1908.

No. 116.—With reference to Public Works Department Notification No. 71, dated the 14th April 1908, the services of Mr. C. E. V. Goument, Superintending Engineer, 2nd Class, are replaced at the disposal of the Government of the Punjab, with effect from the 4th July 1908.

No. 117.—With reference to Public Works Department Notification No. 72, dated the 14th April 1908, Mr. W. A. Bagley ceased to officiate as a Superintending Engineer with effect from the 11th July 1908.

The 17th July, 1908.

No. 119.—The Governor General in Council is pleased to order the following promotions and reversions to and in the classes of Chief and Superintending Engineers of the Public Works Department, with effect from the dates specified :—

Name.	From	To	With effect from
			1908.
* * *	* * *	* * *	* *
Scratchley, A. J. ...	Superintending Engineer, 2nd class.	Superintending, Engineer, 1st class, *temporary rank*.	18th May.
* * *	* * *	* * *	* *

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 15th July, 1908.

No. 2908-*I. B.*—Whereas the Ruler of the Patiala State has ceded to the British Government full and exclusive power and jurisdiction of every kind over those portions of land which lie within his State and are occupied, or may hereafter be occupied, by the sections of the Southern Punjab Railway, including the Narwana-Kaithal Branch Railway, lying within the said State (including the lands occupied by stations, by out-buildings, and for other railway purposes), and over all persons and things whatsoever within the said lands:

In exercise of such power and jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following addition to the Schedule to the Notification of the Government of India in the Foreign Department, No. 1244-I.B., dated the 13th March 1903, namely :—

Southern Punjab Railway— the sections of the Narwana-Kaithal Branch in Patiala territory.	Patiala.	The Railway Magistrate.	The Political Agent, Phulkian States and Bahawalpur.	The Chief Court of the Punjab.

S. H. BUTLER,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

LEAVE AND APPOINTMENTS.

Simla, the 16th July, 1908.

No. 4178-*E.O.* —The following substantive *pro tempore* appointments are made, with effect from the 6th of July 1908:

* * * * * * *

Mr. R. A. Mant, I.C.S., to be sub. *pro tempore* Joint Secretary to the Government of India in the Finance Department, in charge of the Military Finance Branch, and

Mr. W. M. Hailey, I.C.S., to be sub. *pro tempore* Deputy Secretary to the Government of India in the Finance Department.

J. B. BRUNYATE,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

GEOLOGY AND MINERALS.

Simla, the 15th July, 1908.

No. 6644—131.—The following draft of a Notification which it is proposed to issue in exercise of the power conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), is published as required by the said section, for the information of persons likely to be affected thereby.

2. The draft will be taken into consideration by the Governor General in Council on or after the 19th day of October 1908, and any objection or suggestion which may be received from any person with respect to the draft before that date will be considered by the Governor General in Council.

Draft Notification.

In exercise of the power conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), the Governor General in Council is pleased to direct that for the Provisos to Rules 32 and 33 of the Rules regarding Mine Managers' certificates published with Notification No. 2968—82, dated the 21st April 1906, the following shall be substituted, namely :

Proviso to Rule 32.—Provided that this period shall be reduced to four years, and may if the Board of Examiners think fit be further reduced to three years, in the case of a candidate who has received a diploma in scientific and mining training after a course of study of at least two years at an educational institution approved in this behalf by the Governor General in Council, or who has taken a degree in scientific and mining subjects at a University approved in this behalf by the Governor General in Council.

Proviso to Rule 33.—Provided that this period shall be reduced to two years, and may if the Board of Examiners think fit be further reduced to one year, in the case of a candidate who has received a diploma in scientific and mining training after a course of study of at least two years at an educational institution approved in this behalf by the Governor General in Council, or who has taken a degree in scientific and mining subjects at a University approved in this behalf by the Governor General in Council.

B. ROBERTSON,

Secretary to the Government of India.

POST OFFICE.

Simla, the 17th July, 1908.

No. 6743—212.—In exercise of the powers conferred by section 10 (1) of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to declare that the British Post Office Agencies in Morocco shall be added to the list of British Possessions for which the letter rate of postage from India is one anna per ounce, mentioned in Part I, Rule 3 of the Notification in the Department of Finance and Commerce, No. 1429-C.S.R., dated the 30th March 1899, as subsequently amended.

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 17th July, 1908.

LONDON GAZETTE.

No. 599.—The following extracts are published for general information :—

" London Gazette," dated 26th June 1908, *pages* 4652, 4653, 4654 *and* 4655.

* * * * * *

INDIA OFFICE ;

June 26th, 1908.

* * * * * *

The King has approved of the following promotions among officers of the Indian Army, Indian Medical Service and Indian Army Departments, and admissions to the Indian Army :—

INDIAN ARMY.

* * * * * *

Captains to be Majors.

* * * * * *

Dated 3rd May 1908.

* * * * * *

George Philip Roberts Beaman, 69th Punjabis.

* * * * * *

CANTONMENTS.

REGULATIONS.

No. 615.—The following draft of a notification, which it is proposed to issue, in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 22nd August 1908.

Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below :—

Section 68, *clause* (*d*).—The following shall be inserted after the words " other military ":—

" or civil."

No. 616.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 22nd August 1908.

Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department No. 664, dated the 16th June 1899, as subsequently amended, the Governor General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below :—

Section 211.—The following shall be inserted after the words "reasons therefor" in line three :—

"and whether such person resides in or frequents the cantonment."

No. 617.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor General in Council on or after the 22nd August 1908.

Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor General in Council is pleased to direct that the following amendment shall be made in the Cantonment Code, 1899, namely —

In section 226, sub-section 2, after the words "to appoint an agent" the words "or to notify such appointment", shall be inserted.

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA, JULY 18, 1908.

No. 6453—6473—6.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCIAL EXHIBITIONS.

Simla, the 10th July, 1908.

RESOLUTION.

THE following papers relative to the Universal and International Exhibition to be held at Brussels in the year 1910, are published for general information, in continuation of Resolution No. 22-42-1, dated the 6th January 1908.

BRUSSELS UNIVERSAL AND INTERNATIONAL EXHIBITION, 1910.

UNDER THE HIGH PATRONAGE OF HIS MAJESTY THE KING OF THE BELGIANS AND THE HONORARY PRESIDENCY OF H. R. H. PRINCE ALBERT OF BELGIUM WITH THE SUPPORT OF THE PUBLIC AUTHORITIES.

Appeal to Producers.

Brussels, January 24, 1908.

A Universal and International Exhibition will open at Brussels in the month of April, 1910, and will last for about six months. Its Palaces and Halls will be erected in the new quarter of the Avenue Louise skirted by the grand old beech trees of the Bois de la Camber, the favourite resort of the Brussels people. What a delightful view indeed will the observer command from this picturesque site; he will witness in the distance the undulating country overlooked in the rear by the thick-set trees and green shrubbery of the Forest of Soignes.

From its position at the junction of the main lines of communication of Europe, and its being the Capital of one of the most densely populated and most industrial countries of the Globe, and having, for centuries past, been accumulating art treasures of all kinds, Brussels is so well known that any enlargement upon its reputation would be quite unnecessary.

Not only is the Belgian Capital the seat of a strong artistic, scientific, and commercial movement, but every possible effort is made towards improving the City and rendering it more and more attractive, while the people are always ready to welcome and extend hospitality to foreigners coming to visit Brussels.

No sooner had the scheme been announced than it secured the enlightened protection of the King and the support of Government; and the Brussels Exhibition is bound to be a great success.

The Belgian Government have acquainted the Foreign Cabinets with the organisation of this Exhibition, inviting them to take part and to be officially represented by appointing Commissioners or Committees.

Even now, important corporations are in course of formation, from all over Belgium considerable support is forthcoming and adhesions have practically been received from the large neighbouring Countries.

The Brussels Universal and International Exhibition includes, in broad lines, artistic, scientific, industrial, commercial and colonial sections. It will be open to works of art, industrial and agricultural products, and generally to all wares coming within the classification annexed to the General Regulations.

The Artistic section will consist of an International Saloon of Fine Arts.

The Scientific section will embrace with the various degrees of education the instruments and general methods connected with Letters, Sciences and Arts.

The Industrial section will be made up of all the products, methods and materials, both industrial and agricultural.

Steps will be taken to render fully complete the special groups connected with fancy trades, mines, metallurgy, machinery, electricity, arms manufacturing and mechanical locomotion.

The programme further contains special Exhibitions, temporary Agricultural and Horticultural Shows; Congresses, Conferences, Artistic and Sportive Fêtes.

The Executive Committee also propose to organise during the Exhibition popular games and competitions.

Furthermore, like at other Exhibitions, national compartments will be formed wherein the works and productions of a same country will be divided into groups and classes according to a system of general classification.

The Exhibition will cover a total area of about two hundred acres, a large portion of which will be reserved to the Foreign Sections. The installations will be connected with the Belgian State Railway, so as to bring all exhibits up to the required spot, on rail tracks laid down in the Halls and ground.

The principal Palace and the Halls of the Exhibition will be built of iron and covered with hard materials: the roofed surface amounting to at least one hundred and fifty thousand square metres.

The Machinery Gallery will include numerous workshops in operation under the eyes of the Public.

A vast park, in which attractions will scatter in all directions, will surround the buildings.

Enclosed herewith will be found the full programme of the Exhibition comprising the General Regulations, and the detailed classification of the goods.

The attention of Exhibitors is specially directed to the fact that the rent for detached space includes handling charges (Article 25 of General Regulations). Exhibitors will thus be enabled to accurately estimate beforehand the charges incumbent upon them.

According to the clauses inserted in Articles 18 and 27 of the General Regulations, *special arrangements may be concluded for the hire of large spaces as well as for the handling work and storage of empties, but solely with such Countries as are officially represented.*

In that case, the charges would be fixed separately, *viz.* :

(1) For hire of space in the Halls, exclusive of expense of decoration;

(2) For handling;

(3) For storage of empties.

Any such agreements to be entered into with officially represented Countries will be drawn up by the Commissioner-General of the Belgian Government.

The Government will grant on the State Railways free transport to and fro, of Belgian products consigned to the Exhibition and free return in the case of foreign exhibits.

The Exhibition will be treated as an actual bonded-warehouse, foreign goods intended for the Exhibition being allowed provisional duty-free importation subject to being afterwards re-exported.

The necessary measures will be taken by the Government for protecting in Belgium patentable inventions, industrial designs or models, and manufacturing or trade marks appearing at the Exhibition.

Moreover, the Belgian Government have sanctioned the organisation of a Lottery comprising several series of a million tickets each. The prizes will be purchased from the Exhibitors, or (as regards series of tickets issued prior to the opening) from such persons as shall have given a written undertaking to exhibit.

An International Jury of Awards will be instituted, to operate under the control of the Commissioner-General of the Belgian Government. The Members of the Jury will be designated by the Government of their respective countries.

The General Regulations specify the nature of the awards to be attributed to the Exhibitors; same consist of diplomas or medals.

In conclusion, the Executive Committee propose to give all kinds of fêtes, to multiply the attractions with the view of enhancing the splendour of the Exhibition and increasing the number of visitors.

The Board of Directors of the "Société Anonyme de l'Exposition de Bruxelles" is placed under the Presidency of Baron Baeyens, Governor of the Bank "Société Générale de Belgique." An Executive Committee with Mr. Emile De Mot, Senator, Burgomaster of the City of Brussels, as President, has been invested with all the powers of the Board.

The Executive Committee will determine the various measures coming within the scope of organisation and management, and are exclusively qualified to deal with all questions of receipts and expenditure.

Although an undertaking solely due to private initiative, the Brussels Exhibition has ensured the effective co-operation of the Belgian Government, and also the support of the City of Brussels and Province of Brabant. It is placed under the High Patronage of H. M. the King of the Belgians and under the Honorary Presidency of H. R. H. Prince, Albert of Belgium.

The Duke d'Ursel has been invested with the functions of Government Commissioner-General to the Brussels Exhibition, and M. J. Gody has been appointed Deputy Commissioner-General.

The Exhibition is not organised with the view of profit; its promoters are anxious to make our country appreciated abroad, by displaying anew her productive power and industrial progress.

The Executive Committee therefore warmly appeal to all, convinced, as they are that the character and object of the Exhibition will secure numerous and important adhesions.

THE EXECUTIVE COMMITTEE:

President:

EMILE DE MOT,
Senator,
Burgomaster of the City of Brussels.

Vice-Presidents:

GEORGES DUPRET,
Senator.

MAURICE LEMONNIER,
Member of the Chamber of Representatives,
Alderman of the City of Brussels.

Members:

EMILE DELAUNOY,
Senator,
President of the Brussels Chamber of Commerce.

VICTOR DELOGHT,
Advocate, City Councillor.

GUSTAVE FRANCOTTE,
Late Minister,
Member of the Chamber of Representatives.

LEON JANSSEN,
General Manager of the Brussels Tramways Company.

OMER LEPREUX,
Director of the National Bank of Belgium.

EDMOND NERINCX,
Vice-President of the Chamber of Representatines.

FERNAND VANDERSTRAETEN-SOLVAY,
Manufacturer.

Secretary:

FRANCIS WIENER,
Advocate to the Court of Appeal.

General Managers:

EUG. KEYM,
Alderman at Watermael-Boitsfort.

COUNT ADRIEN VAN DER BURGH,
Commissioner-General of the Belgian Government at the Milan Exhibition, 1906.

Assistant Secretary:

RAOUL VAN DEN BUIGKE,

Approved:

J. GODY,
Deputy Commissioner-General of the Government.

DUKE D'URSEL,
Commissioner-General of the Government.

General Dispositions and Organic Rules.

CHAPTER I.

GENERAL PROVISIONS.

Object.

ART. 1.—The Exhibition will include chiefly art works (Painting, Sculpture, Engraving and Architecture), scientific works and the Industrial and Agricultural plant and productions of all nations.

It will further include military art and Colonial Exhibitions. The Executive Committee contemplate the creation of an exhibition of modern Decorative Art.

Machinery of every description will, as far as practicable, operate under the eyes of the public for the purpose of showing visitors the mode of working same and initiating them into the different lines of manufacture.

Special temporary shows and exhibits of agricultural machines in operations, live stock, plants, flowers, fruits, vegetables, etc., are contemplated, and those will be regulated by independent rules.

Location and Surface.

ART. 2.—The Exhibition will be installed in the new quarter of the Avenue Louise adjoining the Bois de la Cambre.

The Exhibition will cover more than 200 acres of ground and will be connected with the Belgian State Railway.

The principal Palace as well as the Exhibition Halls will be built of iron and covered with hard materials, the surface occupied by the various buildings approximately reaching 150,000 square meters, made up of Halls for Industrial and Commercial products, Machinery Gallery, Railway Material and Electricity Departments, with annexes, etc.

A vast park surrounding the buildings will contain numerous attractions.

The Executive Committee have received numerous offers for the instalment of important attractions, such as the reconstituting a quarter of Old Brussels, together with its monuments, decorated and furnished houses whose occupiers will be clad in the costumes of the times, the establishment of a universal museum of fetichism, etc., etc.

Duration.

ART. 3.—The Exhibition will be inaugurated end of April 1910, and remain open for a period of at least 6 months, with the option for the Executive Committee to prolong it until the 15th November inclusive.

Board of Directors and Executive Committee.

ART. 4.—The Board of Directors (*) of the "Société Anonyme de l'Exposition de Bruxelles" under the Presidency of Baron Baeyens, Governor of the "Société Générale" Bank, have delegated their powers to an Executive Committee with Mr. Emile De Mot, Senator, Burgomaster of the City of Brussels, as President. This latter Committee will act as representative of the Company and deal with the various matters of Administration and Finance; it forms the executive and ruling authority in respect to the organisation and conduct of the Exhibition.

The Executive Committee have appointed two General Managers for the purpose of carrying out their resolutions.

Superior Commission of Patronage of Belgian Section.

ART. 5.—A superior Commission of Patronage will be instituted and the duties of the Commission consist in promoting and facilitating the participation of Belgian producers.

It will be composed of Committees of groups and classes and also local Committees, such Commission and Committees to be governed by special regulations determining the duties assigned to them and mode of discharging same.

Government Commissioner-General's Department.

ART. 6.—The Department of the Commissioner-General of the Government is conducted by the Duke d'Ursel, Commissioner-General, with the co-operation of M. J. Gody, Deputy Commissioner-General, General Manager of the Belgian Section, assisted by special Commissioners.

The Commissioner-General of the Government is the Government Representative with the Executive Committee of the Exhibition Company and with the Representatives or Delegates of Foreign Countries taking part in the Exhibition.

(*) The Board of Directors is composed of Messrs. Baron Ferdinand Baeyens, president; Emile De Lannoy, Emile De Mot, Gustave Francotte, Victor Fris, Baron Leon Lambert, Edmond Nerincx, vice-presidents; Jacques Cassel, Eugene Cavenaille, Victor De Locht, Georges Dupret, Baron Edouard Empain, Leon Janssen, Maurice Lemonnier, Omer Lepreux, Fernand van der Straeten-Solvay, François Vaxelaire-Claes, members; Francis Wiener, secretary, and Raoul Van den Bulcke, assistant secretary.

He acts as the official medium both between said representatives or delegates of Foreign Countries and the Exhibition Company, and between the former and the Belgian Government in connection with all matters requiring consideration on behalf of their Exhibitors.

All enquiries generally are to be addressed to the Commissioner-General.

Concurrently with the Executive Committee of the Exhibition Company, the Government Commissioner-General will settle the whole plan of the Halls and laying out of the grounds, the general scheme for allotment of space in the Belgian and Foreign Sections and also the programme of right of way and party walls in these sections.

He will act between foreign Commissioners and the Executive Committee of the Exhibition Company in regard to the preparation of agreements for hire of space, cartage and handling of exhibits, storage of empties, etc., etc., but no personal responsibility will attach on that account.

He is to approve and adopt regulations, more particularly those connected with the cartage and handling service, the entries, maintenance of order, setting up and operation of machinery and mechanical or electrical appliances and installations.

The Government Commissioner-General, jointly with Mr. Gody, General Manager of the Belgian Section, will organise and control the participation of Belgian producers.

Special regulations will determine the functions and duties to be exercised by the Government Commissioner-General's Department and fix its relations with the Commission of the Belgian Section.

Belgian and Foreign Commissioners and Delegates.

ART. 7.—The Belgian Ministries and Public Administrations will accredit Delegates for the purpose of organising their special exhibitions, such Delegates to be placed under the authority of the Government Commissioner-General.

Foreign Governments have been advised of the organisation of the Brussels Universal and International Exhibition, in which they will be invited to take part and to be officially represented by accredited Commissioners. these Commissioners, representing their respective nationalities and having the charge of their interests, will arrange with the Executive Committee of the Exhibition Company through the Government Commissioner-General all questions relating to the distribution of space reserved to their respective country and installation of each national section. Collective Exhibitors belonging to Countries which are not officially represented can be admitted with the joint consent of the Executive Committee and Government Commissioner-General and may designate Commissioners subject to like approval. Exhibitors are not allowed to correspond with the Executive Committee except through the Representative or Delegate of their Country, but an Exhibitor whose country should not be represented by a Commissioner may correspond direct with the Executive Committee. This latter Committee will furnish all necessary information and circulate the Regulations required to be complied with by the Representatives or Delegates of the different nations and their Exhibitors.

Exchange of Space.

ART. 8.—No interchange of allotted space can take place between one country and another, unless with the sanction of the Executive Committee obtained through the Commissioner-General of the Belgian Government.

Classification of Goods.

ART. 9.—All products shall be divided into groups and classes as per list of general classification hereunto annexed. This document gives a summary enumeration of the products of each class; but is not restrictive. In case of doubt as to the classification of any article, the matter will be decided jointly between the Executive Committee and the Government Commissioner-General. Any small alterations which it may subsequently be necessary to make in the division of exhibits between the different classes shall be sanctioned by the Commissioner General of the Government. This classification will form the basis of the arrangements of the products in each department allotted to the Exhibitors of a same nation, and on the International departments covering the Machine and Railway plant galleries.

General and Special Catalogues.

ART. 10.—The Executive Committee will compile an official and complete catalogue, methodically arranged, and containing the name and address of each Exhibitor with particulars as to trade and place of production (whether a factory, farm, etc.)

the necessary information for which will be supplied by the Exhibitors under their sole responsibility, and according to the special form* which will be found herewith.

* Not printed.

Commissioners of represented Foreign Countries will be at liberty to issue, at their own expense, a special catalogue of their exhibits and to sell the same within their respective limits.

Protection of Inventions.

ART. 11.—The necessary measures will be taken by the Government for protecting in Belgium patentable inventions, industrial designs and models, as well as manufacturing or trade marks appearing at the Exhibition. It will be strictly forbidden to take copies, drawings, measurements, photos, cards or models of any objects exhibited unless with the Exhibitor's consent; the closest watch will be kept to enforce this rule. Nevertheless neither the Board of Directors nor the Executive Committee will incur any responsibility on account of infractions of this provision, dereliction of duty on the part of the guardians or violation of their orders.

The Executive Committee reserve to themselves the right of allowing general views to be taken and sold without the Exhibitor's consent being required.

Posters, Hand-bills, Show-cases, Signboards.

ART. 12.—All advertisements and notices, official or other printed matter intended to be posted or distributed within the Exhibition must first be submitted to the approval of the Executive Committee who will be entitled to withdraw their authority at any time.

Exhibitors will be required to submit to the Executive Committee, for approval plans of any show-cases, furniture or other fixtures intended to be used by them, and as regards machinery, apparatus and plant connected with industry, noted plans showing height of proposed installation, including foundation and underground work, with statement of the total weight of the installation.

The Executive Committee, concurrently with the Commissioner-General of the Government, will regulate all matters affecting dimensions and placing of signboards.

Compliance with the Laws and Regulations.

ART. 13.—Exhibits of every description are to comply with the various requirements of the Laws and Regulations in force for the time being in Belgium. Exhibitors will be required to fulfil all the formalities prescribed by said Laws and Regulations, unless waived at the time by the competent Authorities.

The Belgian Government will grant administrative facilities for operating steam engines necessary for the purposes of the Exhibition.

Space Rent.

ART. 14.—All matters respecting the rent to be paid by Exhibitors for the space allotted to them will be found in Chapter II hereof.

Floorings and Partitions.

ART. 15.—The flooring of the Halls is calculated to bear per square metre a weight of 500 kilogs, and in some parts to be mutually agreed upon, up to 1,500 kilogs. Whenever alteration to the floors may be wanted for heavy or special exhibits, the consent of the Executive Committee will be required, and the work performed at Exhibitor's expense.

In their application for space, Exhibitors shall state the weight of their installation to the square metre.

Any partitions required over and above those leased by the Executive Committee shall, after being approved by the batter, be provided at Exhibitor's expense.

Decoration of Halls.

ART. 16.—The decoration will have to be borne by the Exhibitors, individually or collectively, subject to being first approved by the Executive Committee and the Commissioner-General of the Government.

Carriage of Exhibits.

ART. 17.—The Exhibition Company has secured from the Belgian Government:

(a) Free carriage to and fro, on the State Railway lines, of Belgian products consigned to the Exhibition.

This exemption from freight extends to raw materials for manufacturing purposes or for producing motive power at the Exhibition, and likewise to empties and packages having contained the goods and required for their return.

(*b*) The application of freight rates as per Tariff No. 10, in the case of foreign goods travelling on the State Railway lines. (This tariff provides for the free carriage on return from, and for the payment of the full rates on consignment to, the Exhibition.)

Negociations will be opened with the view of obtaining reductions on Belgian Companies' lines, on Foreign lines and on the regular lines of steamers.

(*c*) The opening of a Post-Telegraph and Telephone Office within the Exhibition

Handling of Goods.

ART. 18.—The Exhibition Company undertake, on behalf of persons exhibiting in detached spaces, the handling of goods within the Exhibition, free of charge, in respect of all packages of usual sizes and not exceeding 1,500 kilogs in weight, provided same are delivered on or before the 10th April, 1910. This includes:

(*a*) Taking deliver of the packages within the Exhibition premises;

(*b*) Unloading on the spot allotted;

(*c*) Removing empties and packages from, and bringing back to, the spot allotted;

(*d*) Removing the goods when repacked.

Exhibitors shall comply with the instructions given to them by the Executive Committee with the view of facilitating the removal of empties.

The Executive Committee will cause to be stored and, at the close of the Exhibition, brought back for repacking empties belonging to foreign Exhibitors, but will not be responsible for the condition thereof when so returned.

Rent for storing empties will be charged at the rate of frs. 2·50 per square metre of surface measured according to the greatest dimensions above the floor, with a minimum charge of frs. 2·50 for any empty not reaching a square metre.

Foreign Exhibitors wishing of take charge of their own empties will have to remove them immediatetly after unpacking, and comply with the instructions of the Executive Committee.

Special terms must be arranged with the Executive Committee for the handling of packages exceeding 1,500 kilogs, also for any single package exceeding that weight such as blocks of stone or marble, ironwares, parts of machinery, cannons, fitted engines and threshers, etc. Also when the dimensions exceed the surface of ordinary Railway trucks such as timber, iron bars, beams, rolling stock (locomotives, railway and tramway carriages, cars, etc.) and craft Further, in the case of any bulky packages of articles of a breakable nature, in certain instances, Exhibitors may be required to join in, or to solely take charge of, the handling of the goods.

The Executive Committee reserve to themselves the right to make arrangements, if possible, so that any travelling cranes intended for exhibition in the machinery gallery be set in working order sufficiently beforehand to be used for shifting and erecting work incumbent upon the Exhibitors, subject to payment of a fee.

With all Countries officially represented, the Executive Committee are prepared to arrange special terms for the handling of goods and storage of empties.

No contractor letting out show-cases, mirrors furniture, posters and signboards or no out-door salesmen will be entitled to the warehousing or return of empties, the Executive Committee not undertaking to interfere there in any way.

The unpacking, laying out and repacking of goods and the repairing of empties will be at Exhibitor's own cost. The repacking will be proceeded with according to the Executive Committee's instructions and must be completed before 31st December 1910, and all fixtures removed before 15th January 1911, after which date all remaining goods will be removed and stored at Exhibitor's cost and risk.

All goods unremoved by the 1st February 1911 will be sold by public auction 6 months afterwards, and the Exhibition Company will be entitled to proceeds of the sale.

Each Exhibitor or his delegate is to attend the reception of his goods, on arrival, and control the identity of same. Failing the Exhibitors or their agents being on the Exhibition premises to receive their packges, it will be optional with the Executive Committee to return the goods or unpack them at the expense and risk of the owner.

All materials intended for fixtures must, before introduction, be submitted to the Executive Committee for approval.

The Exhibition Company undertake that all goods will be handed with the greatest care, but it is expressly stipulated that in no case can the Company be held responsible for any loss, shortage, damage, etc., to packages or their contents.

Installation, Maintenance and Removal of Exhibits.

ART. 19.—The Foreign Public Administrations and Commissions will carry out their own installations in the special pavilions erected by them in the grounds or parts of Halls specially allotted them, subject to submitting their general plans to the approval of the Executive Committee who will agree to same jointly with the Government Commissioner-General.

ATR. 20.—Exhibitors, whether singly or collectively, will have to bear the entire expense of their installations, such as special decorations, superstructure and consolidation of floors, partition frame work and coating, ceilings, drapery, enclosures, supply of furniture, arrangement, ornamentation, laying out, preservation and cleaning of goods, foundations, fixing up, motive power, steam, water, gas, electricity, taking down, storage of empties, insurance, plantings and special levellings; reinstating the premises; customs or excise duties; license dues on excisable commodities, etc., etc.; all measures in this connection to be approved by the Executive Committee and the Commissioner-General of the Government. Exhibitors will be held responsible for any damages caused by their installations to floorings, partitions, etc., in their use, and for such dilapidations as might be considered due to misuse.

No Exhibitor shall be allowed to set up his installation in such a way as to deprive another Exhibitor from light, or to cause him any inconvenience or prejudice whatsoever.

Save under a special authority, Exhibitors, whether singly or collectively, will not be allowed to cover up their exhibits during the hours fixed for public admission to the Halls and Pavilions.

No exhibits may be removed before the close of the Exhibition, except with the Executive Committee's special consent in writing.

Exhibitors are not allowed to remove their exhibits, products or fixtures, until after paying the charges for space, selling dues, damages (if any), etc.

CHAPTER II.

SPECIAL PROVISIONS.

Articles excluded.

ART. 21.—The Exhibition is not available to explosive, detonating and fulminant materials, nor generally any dangerous or injurious articles including medicines—patent or not—secret remedies and empiric preparations of unknown ingredients.

Alcohol, spirits, oils, essences, corrosive liquids and all matters likely to endanger other exhibits or inconvenience the public will only be admitted if contained in suitable strong vessels of small size.

Percussion caps, gun-primers, fireworks, matches and other like articles will be admitted in imitation form only, *i.e.*, without any adjunction of in flammable matter.

Articles likely to prove a nuisance, or of an unwholesome nature, will be subject to such precautionary measures as may be prescribed.

The Executive Committee will also have absolute right to order the removal of products, the nature of appearance whereof might be dangerous, unsuitable or incompatible with the aim and conveniences of the Exhibition.

Applications for Admission.

ART. 22.—Applications for admission must be made on the accompanying forms,* supplied by the Executive Committee, and these after being duly filled up and signed in duplicate, are to be forwarded in a prepaid envelope, not later than the 15th January

*Not printed.

1909 as to machinery, apparatus and plant connected with industry, and before the 1st May 1909 as to other goods:

(*a*) To the Government Commissioner-General, as regards exhibits of Belgian origin;

(*b*) To the Commissioners of Countries officially represented at the Exhibition, as regards exhibits originating from those Countries;

(*c*) To the Executive Committee of the Exhibition, 34, Rue des XIII Apoötres, Brussels, as regards exhibits originating from Countries not officially represented.

Applicants referred to in (*c*) shall not send their goods until their applicantion has been considered by the Executive Committee and a certificate of admission duly issued.

ART. 23.—The allotted space will be measured according to the greatest length and width above the floor or ground.

All surfaces are to be established to the great square.

No allotted space can be assigned, exchanged or sub-let except with the express consent of the Executive Committee.

Exhibitors, whether singly or collectively, shall provide at their own expense, subject to the approbation of the Executive Committee, the ceilings, drapings, stuffs, linen or jute material, partition framework and coating, superstructure of floorings, foundations or consolidation of floors for heavy installations, all schemes connected with such installations, to be approved by the Executive Committee and the Government Commissioner-General.

CHARGES FOR SPACE.

ART. 24.—The spaces in the Belgian Section or in officially represented Sections will be granted for such rent and on such terms and conditions as the Commissioner-General of each section shall determine.

ART. 25.—The charge for space in the different compartments—except in *the official sections and the Sections recognised by the Executive Committee jointly with the approval of the Commissioner-General*—including the general decoration of the halls and handling of the goods, has been established according to position as follows:—

I.—HALLS OF INDUSTRY AND TRADE.

A.—SIDE GALLERIES.

1. *Collective Space.*

Ground space	*A*) Depth not exceeding 1 metre, *Per lineal metre frontage*	fr.	60
	B) Depth exceeding 1 metre, *Per square metre ground surface* ...	"	60
Wall space:	*C*) *Per lineal metre frontage* ...	"	60
The charge for collective space allotted will in no case be less than		"	60

2. *Detached Space.*

A) Measured at the greatest dimension, the smallest being below 1 metre, *Per lineal metre frontage*	fr.	90
B) Both dimensions exceeding 1 metre, *Per square metre ground surface*	"	90
The charge for detached space allotted will in no case be less than	"	90

B.—CENTRAL GALLERIES.

1. The charge will be ...	Collective space, *Per square metre* ...	fr.	90
	Detached space, *Per square metre* ...	"	130
2. Charge for rooms having at least 5 metres frontage and 5 metres depth ...	Single frontage, *Per square metre* ...	"	70
	Corner frontage, *Per square metre* ...	"	90

II.—HALLS OF MACHINERY, ELECTRICITY, RAILWAY PLANT AND BOILER SHED.

FOR MACHINES AND VARIOUS INSTALLATIONS.

A.—SIDE GALLERIES.

1. Collective Space.

Ground space	*A*) The depth not exceeding 1 metre, *Per lineal metre frontage*	fr.	60
	B) The depth exceeding 1 metre, *Per square metre ground surface* ...	"	60
Wall space:	*C*) *Per lineal metre frontage*	"	60

The charge for collective space allotted will in no case be less than " 60

2. Detached Space.

A) Measured at the greatest dimension, the smallest being below 1 metre, *Per lineal metre frontage*	fr.	90
B) Both dimensions exceeding 1 metre, *Per square metre ground surface*	"	90
The charge for detached space allotted will in no case be less than	"	90

B.—CENTRAL GALLERIES.

The charges have been fixed as follows ...	Collective space, *Per square metre* ...	fr.	90
	Detached space, *Per square metre* ...	"	130

For any machine in operation, the duly proved expense of purchasing steam, water under pressure, gas, electricity and mechanical motive power will be refunded to the Exhibitor up to 50 per cent. of the amount paid for the space occupied by said machine, provided the expenses in question have been effected during the hours when the Halls are available to the public and the machine has been in operation at least four days per week and four hours per day.

III.—GARDENS, SHEDS AND TENTS.

For space allotted to Exhibitors in the Gardens :

A) The depth not exceeding 1 metre, *Per lineal metre frontage*	fr.	25
B) The depth exceeding 1 metre, *Per square metre ground surface*...	"	25
The charge for space in this division will in no case be less than	"	25

For space allotted under sheds or tents, if any, the above charges will be increased by 5 fr. per lineal metre, or square metre, as the case may be.

PAYMENTS.

ART. 26.—Rent for space will be collected by the Executive Committee of the Exhibition Company.

When exceeding 1,000 frs., same is payable in two equal instalments, the first on receipt of the admission certificate, the second on the 1st April 1910.

Rent under or equal to 1,000 frs., is payable at once on receipt of the admission certificate.

Any Exhibitor failing to pay the rent within the prescribed time will forfeit his rights and the admission certificate issued to him will be deemed cancelled.

Large Spaces.

ART. 27.—Special terms may be arranged in respect of large spaces hired in the Halls or Gardens.

In every Section, the space reserved for public Circulation must be kept free by the several countries, and no encroachment thereon will be tolerated.

In regard to spaces let out in blocks, the public circulation ways will be reckoned in the measurement of the surfaces leased, but one-half only of such ways will be counted in the case of frontage allotments.

Date of completion of Exhibits.

ART. 28.—Exhibits must be completed and all the work connected therewith terminated before the 15th April, 1910.

Machinery and appliances which can only be fixed or mounted by passing over the space of other Exhibitors shall be completely set up by the 15th October 1909, or even earlier, should the Executive Committee deem necessary.

All machinery foundation work must be terminated on or before the 1st October 1909.

Should the Exhibitor fail to comply with above dates, he will *ipso facto* lose all claim to his space, the admission certificate will be deemed cancelled and the space rent paid will be forfeited to the Exhibition Company, without any legal or other proceedings being required. In such case, the Executive Committee will be entitled to remove unfinished installations or to have the same completed at Exhibitor's expense and risk.

Special Charges.

ART. 29.—Exhibitors requiring steam, water, gas, electricity, shall state in their application for admission the hourly quantity so required.

When motive power is required, the intended rate of speed and requisite power should be stated.

The adoption of electric motors, as also the foundations and expenses of private installation, are for Exhibitor's account. Steam, water, gas, electricity and any mechanical motive power will be supplied according to the tariff providing for same.

Separate by-laws will determine the conditions affecting the erection and working of mechanical and electrical machinery, apparatus and appliances, and will be forwarded to Exhibitors on application.

Exhibitors' co-operation towards the services of the Exhibition.

ART. 30.—Exhibitors wishing to place all or part of the work performed by their machinery, apparatus and appliances at the disposal of the Exhibition with the view of co-operating, on terms to be agreed upon, towards the production, distribution and utilisation of steam, water, gas, and motive power, or towards the lighting and handling services, shall submit their propositions to the Executive Committee prior to the 15th January 1909.

International Jury of Awards.

ART. 31.—An International Jury of Awards will be formed, the Members of which will be appointed by their respective Governments; this Jury will be organised and controlled by the Commissioner-General of the Belgian Government. Jurors of non-officially represented Countries shall be proposed by the Delegates of the Exhibitors of those nations and, if necessary, their appointment will have to be sanctioned by the Belgian Government, on the recommendation of the Commissioner-General of the Government.

The Jury will officiate as soon after the opening of the Exhibition as possible.

The Awards will consist of Grand Prize Diplomas; Diplomas of Honour; Diplomas of Gold, Silver and Bronze Medals, and Diplomas of Honourable Mention. These Diplomas may be accompanied by a Medal. The Awards will be delivered before the close of the Exhibition, in a grand fête held specially for the occasion; and a full list of Awards will receive the greatest publicity.

International Test Committees.

ART. 32.—International Committees may be formed for tests or trials similar to those of former Exhibitions.

Lottery.

ART. 33.—A lottery will be organised under the authority and control of the Government; the prizes will be purchased from Exhibitors or as regards series of tickets issued prior to the opening from such persons as shall have given a written undertaking to exhibit.

CHAPTER III.

ADMINISTRATION AND POLICE.

Exhibition of products under names of Applicants.

ART. 34.—Products must be exhibited under the names of those persons who signed the applications for space; this rule will be strictly enforced.

Exhibitors who intend showing industrial art productions of which they are not the originators, must inform the Executive Committee and furnish due authorisation from the rightful proprietors.

ART. 35.—Exhibitors are free to add to their name, or style or firm the names of other persons having contributed to the merit and value of the articles exhibited.

Price of Exhibits.

ART. 36.—Exhibitors are invited to indicate the Market Price of the articles shown, as a guide to the Jury, as well as for the information of the public and of the Lottery Purchase Commission.

PROTECTION OF EXHIBITS.

Insurance.—General and Special Supervision.

ART. 37.—Due precautions will be taken to protect all exhibits and packages from damage, and a general watch will be established to prevent the fixtures and exhibits being stolen, strayed or damaged.

The Government nor the Exhibition Company shall in no case be held responsible for injury or damage, whatever be the extent, suffered by Exhibitors in consequence of theft, fire, thunder and other storms, or floods, gas, explosions, flaw in construction or arising from any other cause whatsoever, nor shall Exhibitors have any claim on account of these risks, either against the Government, or against the Exhibition Company.

Exhibitors desirous of insuring their goods, packages, etc., must do so through their own agents and at their own cost.

Exhibitors will be answerable to the Exhibition Company and to other Exhibitors and parties, for all damage caused by their exhibits or by persons in their employ.

The Commissioners of participating countries as well as Exhibitors, whether singly or collectively, will be free to appoint under their own responsibility private inspectors and superintendents from a list approved by the Executive Committee; these officers will have to submit to the regulation framed by the Executive Committee.

Right to sell.

ART. 38.—Articles of every day sale, also those manufactured or made up on the spot, may be sold and delivered to visitors, on payment of a percentage, to be fixed by agreement, and compliance with special by-laws; but no such sales may take place in the Halls without a special authority in writing from the Executive Committee.

No article of food or drink can be served within the Halls except by authority of the Executive Committee.

A special agreement with the Executive Committee will regulate the sale of refreshments or eatables in the Gardens and grounds of the Exhibition and determine the tax to be paid.

Entries.

ART. 39.—One single free ticket will be issued to each Exhibitor or his Agent approved of by the Executive Committee, if the nature and importance of the exhibits require the continuous attendance of such Agent. This ticket shall not be transferable

and shall be withdrawn if proved to have been made over or lent, without prejudice of further action. It must be signed by the Exhibitor or his Agent, shew the photograph of bearer, and mention the group and class to which he belongs. It will, moreover, bears the stamp of the Executive Committee.

Any person acting as Agent to several Exhibitors will be entitled to one free ticket only. Each Exhibitor will be entitled to one or more tickets for persons in his employ, but giving admission from 8 to 10 A.M. only.

Exhibitors of machinery in operation shall be entitled to one or more cards available for their men whilst the machinery is working.

The number of tickets to be issued will be solely determined by the Commissioner-General of the Government and the Executive Committee, they will be withdrawn in case of misuse or fraud.

The entries will be regulated by special rules.

Exhibition to be treated as an actual Bonded Warehouse.

ART. 40.—The Exhibition will be treated as an actual bonded warehouse, foreign goods intended to appear at the Exhibition being allowed provisional duty-free importation subject to being afterwards re-exported and complying with such formalities as the Belgian Government may impose.

Subsequent Rules.

ART. 41.—Rules will be issued later on, for regulating the despatch, reception, handling, installation and return of goods; and also for providing for the organisation of supervision, customs, entries to the Exhibition, right of sale, formation and proceedings of the International Jury of Awards.

Special by-laws will provide for the establishment and working of mechanical and electric machinery, apparatus and appliances.

ART. 42.—Exhibitors or Contractors intending to erect constructions or stalls in the Gardens of the Exhibition must conform to the conditions which will be framed by the Executive Committee.

Separate and independent rules will regulate the licensing of special paying shows and eating or drinking establishments or places of performance, restaurants, bars, luncheon rooms, tobacco shops, etc., etc.

ART. 43.—Producers and manufacturers will, by the mere fact of accepting the quality of Exhibitors, submit to the General or Special Regulations and to such other measures of order and police as may be enacted in the future.

Exhibitors or Contractors will be required to elect domicile at Brussels.

CHAPTER IV.

ANNEXED SHOWS—CONGRESSES AND CONFERENCES.

Special shows.—Congresses and Conferences.

ART. 44.—Additional and temporary Shows, Congresses and Conferences, Lectures, Grand Fêtes, Choral and Musical Competitions, Concerts, etc., etc., will be organised during the Exhibition.

ART. 45.—The Executive Committee propose to promote International Congresses and in a general way, will consider and, if thought fit, patronize all such schemes as are of a realisation likely to further enhance the attraction and éclat of the Exhibition.

Address for Communications.

ART. 46.—All communications connected with the Exhibition are to be addressed by prepaid letter, to **The President of the Executive Committee, 34, Rue des XII Apotres, Brussels.**

Resolved in Executive Committee Meeting held on the 24th January 1908.

CLASSIFICATION ACCORDING TO GROUPS.

GROUP I.—EDUCATION.

Class 1.—Education of children. Primary education. Education of adults.
Class 2.—Secondary education.
Class 3.—Higher education. Scientific institutions.
Class 4.—Special artistic education.
Class 5.—Special agricultural education.
Class 6.—Special industrial and commercial education.

GROUP II.—WORKS OF ARTS.

Class 7.—Paintings. Cartoons. Drawings.
Class 8.—Engraving and lithography.
Class 9.—Metal and fine stone carving and engraving.
Class 10.—Architecture.

GROUP III.—INSTRUMENTS AND GENERAL METHODS CONNECTED WITH LETTERS, SCIENCES AND ARTS.

Class 11.—Printing. Sundry impressions.
Class 12.—Book-trade. Musical editions. Book-binding (plant and products). Newspapers. Posters.
Class 13.—Photography.
Class 14.—Geographical and cosmographical maps and appliances. Topography.
Class 15.—Instruments of precision. Coins and medals.
Class 16.—Medicine and surgery.
Class 17.—Musical instruments.
Class 18.—Theatrical art plant.

GROUP IV.—PLANT AND GENERAL METHODS CONNECTED WITH MACHINERY.

Class 19.—Steam engines.
Class 20.—Various other motors.
Class 21.—Various apparatus of general mechanics.
Class 22.—Machine-tools.

GROUP V.—ELECTRICITY.

Class 23.—Mechanical production and utilisation of electricity.
Class 24.—Electro-chemistry.
Class 25.—Electric lighting.
Class 26.—Telegraphy and Telephony.
Class 27.—Various applications of electricity.

GROUP VI.—CIVIL ENGINEERING.—MEANS OF TRANSPORT.

Class 28.—Civil engineerring materials. Equipment and methods.
Class 29.—Models, plans and drawings of public works.
Class 30.—Coachbuilders' and cartwrights' trades. Saddle and Harness-makers' trades.
Class 31.—Motor-cars and cycles.
Class 32.—Railway and Tramway plant.
Class 33.—Commercial Navigation equipment.
Class 34.—Aërial Navigation.

GROUP VII.—AGRICULTURE.

Class 35.—Rural husbandry plant and methods.
Class 36.—Viticultural implements and methods.
Class 37.—Agricultural implements and methods.
Class 38.—Agronomy. Agricultural statistics.
Class 39.—Agricultural products of vegetable origin used as foodstuffs.
Class 40.—Agricultural products of animal origin used as foodstuffs.
Class 41.—Non-edible agricultural produce.
Class 42.—Useful insects and their products. Noxious insects and vegetable parasites.

GROUP VIII.—HORTICULTURE AND ARBORICULTURE.

Class 43.—Horticultural and Arboricultural implements and methods.
Class 44.—Pot herbs.
Class 45.—Fruit-trees and fruits.

Class 46.—Ornamental trees, shrubs, plants and flowers.
Class 47.—Hot-house plants.
Class 48.—Horticultural and Nursery seeds and stock.

GROUP IX.—FORESTRY.—HUNTING AND SHOOTING.—FISHERIES.—
FRUIT-GATHERING.

Class 49.—Plant and methods for forest exploitation and industry.
Class 50.—Forest produce.
Class 51.—Hunting and shooting requisites.
Class 52.—Hunting and shooting produce.
Class 53.—Fishing tackle, implements and produce. Water culture.
Class 54.—Fruit-gathering tackle, implements and produce.

GROUP X.—FOODSTUFFS.

Class 55.—Food industry implements and methods.
Class 56.—Farinaceous goods and by-products.
Class 57.—Baker's and Pastrycooks' goods.
Class 58.—Preserved meat, fish, vegetables and fruits.
Class 59.—Sugar and confectionery, condiments and stimulants.
Class 60.—Wines and brandies.
Class 61.—Syrups and liqueurs, various spirits, industrial alcohols.
Class 62.—Miscellaneous beverages.

GROUP XI.—MINING.—METALLURGY.

Class 63.—Mine, ore and quarry working.
Class 64.—Heavy metallurgy.
Class 65.—Light metallurgy.

GROUP XII.—DECORATION AND FURNISHING OF PUBLIC BUILDINGS AND PRIVATE HOUSES.

Class 66.—Fixed decoration of public buildings and private houses.
Class 67.—Stained window glass.
Class 68.—Painted wall papers.
Class 69.—Cheap furniture and costly furniture.
Class 70.—Carpeting, tapestry and other furnishing stuffs.
Class 71.—Movable decoration and upholstery work.
Class 72.—Ceramic ware.
Class 73.—Crystal and glass wares.
Class 74.—Heating and ventilating apparatus and methods.
Class 75.—Apparatus and methods for non-electric lighting

GROUP XIII.—YARNS.—TEXTILE FABRICS.—CLOTHING.

Class 76.—Plant and methods connected with spinning and ropemaking.
Class 77.—Plant and methods used in weaving.
Class 78.—Plant and methods for bleaching, dyeing, printing and sizing textile fabrics through their different stages.
Class 79.—Plant and methods for sewing and making up clothing.
Class 80.—Cotton yarns and fabrics.
Class 81.—Yarns and fabrics of linen, hemp, etc. Ropemaker's wares.
Class 82.—Woollen yarns and fabrics.
Class 83.—Silk and textiles of silk.
Class 84.—Lace, embroideries and trimmings.
Class 85.—Men's, women's and children's clothing: making up and sewing trades.
Class 86.—Various trades in the clothing line.

GROUP XIV.—CHEMICAL INDUSTRY.

Class 87.—Chemical arts and pharmacy.
Class 88.—Paper making.
Class 89.—Hides and skins.
Class 90.—Perfumery.
Class 91.—Tobaccos.

GROUP XV.—MISCELLANEOUS INDUSTRIES.

Class 92.—Stationery.
Class 93.—Cutlery.
Class 94.—Gold and silversmiths' wares.
Class 95.—Jewellery.
Class 97.—Artistic bronze, cast ...
Class 98.—Brush, morocco, turnery and basket trades.
Class 99.—India rubber and gutta-percha Industry.—Travelling and camping requisites.

Class 100.—Knick-knacks.

GROUP XVI.—SOCIAL ECONOMY.

Class 101.—Apprenticeship. Protection of working children.
Class 102.—Labour contract. Participation in profits.—Professional Syndicates.
Class 103.—Large and minor industry. Co-operative associations of production or credit.
Class 104.—Co-operative societies of consumption.
Class 105.—Large and minor cultivation.—Agricultural associations.
Class 106.—Regulation of labour.—Health and security of workmen.
Class 107.—Working men's houses.
Class 108.—Provident institutions.
Class 109.—Institutions for the intellectual and moral development of workmen.
Class 110.—Public or private initiative in view of the welfare of citizens.

GROUP XVII.—PUBLIC HEALTH.—CHARITABLE INSTITUTIONS.

Class 111.—Public Health.
Class 112.—Charitable Institutions.

GROUP XVIII.—PRACTICAL EDUCATION.—ECONOMIC INSTITUTIONS.

FEMALE HANDICRAFT.

Class 113.—Education.
Class 114.—Sciences. Arts. Economic Institutions. Charity.
Class 115.—Female Handicraft.

GROUP XIX.—TRADE.—COLONISATION.

Class 116.—Trade.
Class 117.—Methods of colonisation.
Class 118.—Colonial plant.
Class 119.—Special products for export to the Colonies.

GROUP XX.—LAND AND SEA FORCES.

Class 120.—Ordnance equipment and appliances
Class 121.—Military engineering and services connected therewith.
Class 122.—Naval engineering. Hydraulic work. Torpedoes.
Class 123.—Cartography. Hydrography. Various instruments.
Class 124.—Administrative services.
Class 125.—Sanitation and sanitary appliances.

GROUP XXI.—SPORTS.

Class 126.—Exercise of children and adults.—Theory and practice.
Class 127.—Games and sports for children and adults.
Class 128.—Game and sport equipments.

GROUP XXII.—CONGRESSES AND CONFERENCES.

ORDERED that the foregoing papers be published in the Supplement to the *Gazette of India* for general information, and that copies be forwarded to the Local Governments and Administrations named in the margin for information, with the request that the papers may be published in the local *Gazette*.

The Government of Madras.
" " " Bombay.
" " " Bengal.
" " " the United Provinces.
" " " the Punjab.
" " " Burma.
" " " Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner, Central Provinces.
The Chief Commissioner of Coorg

Ordered, also, that a copy be forwarded to the Chief Commissioner of Ajmer-Merwara, and the Honourable the Agent to the Governor General and Chief Commissioner, North-West

Frontier Province, for information, and to the Foreign Department, for information and communication to Native States.

Ordered, also, that a copy be forwarded to all Chambers of Commerce for information.

B. ROBERTSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCIAL EXHIBITIONS

Simla, the 16th July, 1908.

RESOLUTION.

THE following papers relative to the Colonial Products Exhibition to be held at Liverpool in 1908 are published for general information. The Government of India will not participate in the Exhibiton.

The next Colonial Products Exhibition will be held at St. George's Hall, Liverpool, from December 7 to December 19, 1908.

The publication of this Prospectus is dictated by a double purpose: to offer a *résumé* of the principal details of the late Colonial Products Exhibition, and also, by emphasising the record success obtained by it and by giving a recapitulation* of the many flattering notices and opinions concerning it, to point out the amount of encouragement that has been derived from it to proceed still further with the task of demonstrating the immensed importance to this country of improved and extended trade relations with her Colonies.

*Not printed.

Judging from the cordial support extended to, and the amount enthusiasm aroused by, the last four Exhibitions—the first undertakings of the kind ever organised in Great Britain outside the Metropolis—it is a reasonable presumption that another, even on a still more extended scale, offering a greater diversity and larger number of Colonial products, will achieve a still larger measure of success, and so promote the furtherance of a greater amount of commercial reciprocity between the Colonies and the Mother Country. It might be said, *en passant*, that on all sides it has been agreed that the increase of business through the Liverpool Colonial Products Exhibition has been enormous, and no doubt H. R. H. the Prince of Wales recognised this fact when he graciously became a Patron.

The resources of our Colonies, mineral, agricultural, and manufacturing, increase rapidly as the time goes on, and no year passes but finds the oversea portions of the Empire in a better position to help to the attainment of that object which it is the desire of every citizen to see realised—the establishment of the Empire on a self-contained and self-supporting basis, independent of supplies from alien lands, and powerful to hold its own by the aid of its own people and by that aid alone.

That this end can be accomplished there is little room for doubt, providing there be unanimity of feeling and mutual interests between the peoples of our Colonies and ourselves; and it is difficult to discover any action on our part more valuable, helpful, and effective endeavouring, as far as possible, to offer to the people of this country opportunities of realising by personal inspection the vast commercial wealth of our Colonies, as illustrated by the number and extent of the commodities with which they are able to supply us.

With this object in view it is intended to hold the fifth Colonial Products Exhibition from December 7 to December 19, 1908, which shall be more extended in its scope than the last, and for this purpose every effort will be made to obtain direct from each separate Colony samples of each and every product it is able to supply.

With many months available for organisation, preparation and communication with the various Colonial authorities, whose co-operation may be safely reckoned on, the President and Managers entertain sanguine hopes of prcoducing a collection of Colonial Products which, for extent and diversity, has never before been gathered together in one place on any previous occasion. Sir Alfred L. Jones, K. C. M. G., will again act as President

Those Colonies desirous of obtaining space in this forthcoming important Exhibition should send in their application as soon as possible to the Joint Managers at 14, Dale Street, or 21, Water Street, Liverpool, where a Plan of the Hall can be seen and all information obtained.

RULES AND REGULATIONS.

1.—The Exhibition will be open each day from 12 o'clock noon to 10 p.m., and will be confined to the Exhibition of Colonial Products, Machinery, Exports, Imports, etc.

[illegible] ...ine any application, and no application will be entertained unless made on the proper form. The space will be allotted in the order in which application is made.

3.—In the event of the applications being greater than the available space will accommodate, the Managers reserve the right of curtailing any Exhibit.

4.—The Charge for Exhibits are:—For stalls, 7 feet frontage by 6 feet. 3/5 per square foot. Office space in the building free. Special positions by arrangement. 50 per cent. of rent of Stall payable 7 days after allotment of space, the balance on or before November 7, 1908.

5.—Exhibitors taking space for the Exhibition must fit up same at their own expense. By special arrangement with the Liverpool Corporation, machinery in motion will be allowed in the Exhibition. All work must be done to the satisfaction of the City Surveyor and Resident Electrical Engineer. Exhibitors will not be allowed to sub-let the whole or part of the space allotted to them.

6.—No office shall be erected in any part of the Hall other than that specially allotted for the purpose by the Managers.

7.—A Catalogue of Exhibits will be published, mainly compiled from the information given by Exhibitors.

8.—All banners, decorations, and show boards must be hung subject to the approval of the Managers, who may at any time remove those disapproved of. No Exhibitor shall be permitted to display Exhibits or Show Boards in such a manner as to occasion inconvenience, deprivation of or injury to light, or otherwise disadvantageously affecting the display of other Exhibitors.

9.—Only papers, price lists, or advertisements relating to goods of the Exhibitor are allowed to be distributed from or exhibited at his own stand, and no pamphlets or advertisements may be distributed in any other part of the building.

10.—No crate or packing case must come into the Hall, but all goods must be received and unpacked in the carriage entrance on the west side of the Hall, and carried to the stands. Exhibitors must provide their own staff at their own cost to unpack, place in postion, keep in order, repack and remove their Exhibits, and in default the Managers may, at the expense of the Exhibitor, do whatever may be considered necessary, but this course will only be adopted as a last resource. The greatest care must be exercised in fitting up the stands.

11.—Exhibitiors' and attendants' tickets will be issued, and will be available for Exhibitors and the acual assistants or attendants only.

12.—The Managers will take such precautions as they may consider advisable for the protection of all articles exhibited, but will not be responsible for any loss or damage occurring to any Exhibit or property of Exhibitors from fire, or any cause whatever, and all articles, from the time of their being placed in the Exhibition Buildings, shall be at the sole risk of the Exhibitors.

13.—No nails or screws shall be driven in either the walls, pedestals, or flooring of the Hall, and every Exhibitor shall make good, at his own cost, all damage done by him or his employés.

14.—All matters in connection with the Exhibition not provided for by these regulations shall be settled or determined by the Managers, whose decision shall be final.

15.—All inquiries during the Exhibition should be made at the Office of the Managers in the building, between the hours of 12 noon and 6 p. m.

NOTICE.—In special cases the Joint Managers are prepared to take over the complete arrangements for Exhibitors, *i.e.* :—The erection of suitable stands; receive, unpack, and display Exhibits; supply suitable attendants, cleaners, etc., repack and return Exhibits.

LIVERPOOL COLONIAL PRODUCTS EXHIBITION, 1908.

APPLICATION FOR SPACE.

To the Joint Managers,

The Colonial Products Exhibition (1908),

14, Dale Street, and 21, Water Street, LIVERPOOL.

Please allot ________ Space for the following Exhibits :

____

____

________ *Feet by* ________ *Feet,*

at 3/6 per square Foot : :

________ *page Advertisement in Catalogue, 10 × 7 in.*

£3 10s.
£2 : :

________ *Square Feet of Advertising Space for (approved) Advertisements in Corridors of Exhibition at 2/- per Foot (minimum 20)* ... ... : :

________ *Season Tickets at 5/- each* ... ... : :

________ *Dozen Day Tickets at 6/- per dozen* ... ... : :

£ : :

Dated ________ *day of* ________ *1908.*

Signed ________

Address ________

ORDERED that the foregoing papers be published in the Supplement to the *Gazette of India* for general information, and that copies be forwarded to the Local Governments and Administrations named in the margin for information, and with the request that they may be published in the Local Gazette.

The Government of Madras.
" " Bombay.
" " Bengal.
" " the United Provinces.
" " the Punjab.
" " Burma.
" " Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner, Central Provinces.
The Chief Commissioner of Coorg.

Ordered, also, that a copy be forwarded to the Director-General of Commercial Intelligence, the Chief Commissioner of Ajmer-Merwara, and the Honourable the Agent to the Governor General and Chief Commissioner, North-West Frontier Province, for information, and to the Foreign Department, for information and communication to Native States.

Ordered, also, that a copy be forwarded to all Chambers of Commerce for information.

B. ROBERTSON,

Secretary to the Government of India.

Punjab Government Press, Lahore—31-7-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 7, 1908.

PART II

Republications from the "Gazette of India"

FROM THE "GAZETTE OF INDIA," DATED JULY 25, 1908.

HOME DEPARTMENT.

NOTIFICATION.

SANITARY.

Simla, the 24th July, 1908.

No. 1705.—The undermentioned officer is appointed to the Bacteriological Department :—

Captain A G. McKendrick, M. B., I.M.S., officiating Assistant to the Director, Pasteur Institute, Kásauli.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 18th July, 1908.

No. 120.—Mr. C. E. V. Goument, Superintending Engineer, Punjab, held charge of the office of Sanitary Engineer, in addition to his duties as officiating Chief Engineer and Secretary to the Government of the Punjab, Public Works Department, Buildings and Roads Branch, from the 9th to 19th November 1907, both days inclusive.

No. 121.—Mr. W. A. Bagley, Executive Engineer, Punjab, held charge of the office of Sanitary Engineer, in addition to his own duties as Superintending Engineer of the 3rd Circle, from the 20th November to 8th December 1907, both days inclusive.

The 20th July 1908.

No. 122.—Mr. W. F. Holms, Executive Engineer, Punjab, is appointed to officiate as Superintending Engineer, with effect from the afternoon of the 11th July 1908, and until further orders.

No. 123.—With reference to Public Works Department Notification No. 104, dated the 10th June 1908, Mr. F. W. Schonemann ceased to officiate as Superintending Engineer from the afternoon of the 11th July 1908.

L. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

SEPARATE REVENUE.

OPIUM.

Simla, the 18th July, 1908.

No. 4220-*Exc.*—In exercise of the powers conferred by section 6 of the Opium Act, 1878 (I of 1878), the Governor-General in Council is pleased, with effect from the 1st August 1908, to substitute the following for the proviso to the Notification of the Government of India in the Finance and Commerce Department No. 3694-Exc. dated the 19th of June 1903, *viz.*:

" Provided that the said duty shall not be leviable in respect of—

(*a*) poppy-heads, or

(*b*) opium on which duty has already been paid in the North-West Frontier Province.

Provided also that the said duty shall not be leviable in respect of Malwa opium imported for use in the Jind State under the proviso to the Notification of the Punjab Government No. 1250-S.—Revenue, dated the 11th July 1908."

J. B. BRUNYATE,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

CUSTOMS.

Simla, the 22nd July, 1908.

No. 7012-6.—In exercise of the powers conferred by Section 22 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that, for the corresponding items of entry No. 7 in the Notification of the Government of India in this Department No. 10889—37, dated the 20th December 1907, the following shall be substituted with effect from the 25th July 1908, namely:

No.	Names of articles.	Per.	Tariff Valuation.	Duty.
7	Spices—			
	* * * *		Rs. a. p.	
	Betelnuts, raw, whole, split, or spliced, from Straits	Cwt.	7 8 0	5 %
	* * * *			
	Pepper, black	"	28 0 0	5 %

ARMY DEPARTMENT.

Simla, the 24th July, 1908.

LONDON GAZETTE.

No. 619.—The following extracts are published for general information :—

Supplement to the "London Gazette" of Tuesday, the 23rd June 1908, pages 4641 to 4644.

Dated Friday, June 26th, 1908.

CENTRAL CHANCERY OF THE ORDERS OF KNIGHTHOOD.

Lord Chamberlain's Office, St. James's Palace, June 26, 1908.

The King has been graciously pleased, on the occasion of the Celebration of His Majesty's Birthday, to give orders for the following promotions in, and appointments to, the Most Honourable Order of the Bath :—

* * * * * * * *

To be Ordinary Members of the Military Division of the Third Class, or Companions :—

* * * * * * * *

Colonel (Brigadier-General) Francis Henry Rutherford Drummond, C.I.E., Indian Army, Inspector-General Imperial Service Troops, India.

* * * * * * * *

INDIA OFFICE;

26th June 1908.

The King has been graciously pleased to make the following promotions in, and appointments to, the Most Eminent Order of the Indian Empire :—

To be Knights Commanders.

* * * * * * * *

Lieutenant-Colonel Francis Frederic Perry, F.R.C.S., Indian Medical Service, Honorary Surgeon to the Viceroy, Principal of the Medical College, Lahore.

* * * * * * * *

CANTONMENTS.

REGULATIONS.

No. 633.—In exercise of the powers conferred by section 26 of the Cantonments Act 1889 (XIII of 1889), and in modification of the Notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to amend the Cantonment Code, 1899, to the extent set forth below :—

In sections 169, 272, 273 and 275 the words "Cantonment Authority" shall be substituted for the words "Cantonment Committee" wherever the latter occur.

The words "(if any)" in the first line of section 169 and of section 272 shall be omitted. In section 169 the words "made at a meeting of which at least six clear days' notice has been given" shall be omitted.

In section 272 the words "at a meeting of which at least six clear days' notice shall have been given" shall be omitted.

To section 169 a second proviso and to section 272 a proviso shall be added as follows :—"Provided that in no Cantonment in which a Cantonment Committee has been constituted shall any bye-laws be made except at a meeting of which at least six clear days' notice shall have been given."

No. 634.—The following draft of a notification, which it is proposed to issue in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 29th August 1908.

Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the Notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General is pleased to amend the Cantonment Code, 1899, to the extent set forth below :—

The following " proviso " shall be added to section 89 (5) :—

" Provided that no sanction under section 89 shall act as a bar to any proceedings under sections 76 to 85."

No. 635.—The following draft of a Notification, which it is proposed to issue, in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 29th August 1908.

Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor-General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the Notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to amend the Cantonment Code, 1899, to the extent set forth below :—

For the present " *Explanation* " to section 259 (1) the following shall be substituted :—

" *Explanation.*"—Form A in Schedule V shall be applicable to leases of land applied for by a railway company, or for the purpose of erecting a hospital, school or other public building ;

Form B shall be applicable to leases of lands situate in a bazar ; and,

Form C shall be applicable to all other leases of land under this chapter.

The terminable leases shall be for a number of years not less than 33.

For the present forms of leases in Schedule V shall be substituted the following :

SCHEDULE V.

(SEE SECTION 259).

Form of Lease to be executed in cases of Land applied for by a railway company, or for the purpose of erecting a hospital, school or other public building.

FORM A.

This Indenture made the day of 190 . Between the Secretary of State for India in Council (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part, and

(hereinafter called the Lessee(*s*) which expression where the context so admits shall include its/their successors and assigns) of the other part.

Whereas the Lessee(*s*) has/have applied for permission to occupy, for the purposes of a building site, the land belonging to the Government in the

cantonment which is delineated in the site-plan hereto appended, and has/have submitted with its/their application the particulars and documents required by sections 256 and 257 of the Cantonment Code, 1899.

And whereas the said application has received the sanction of the Officer Commanding the Division.

Now this Indenture witnesseth as follows—

1. The Secretary of State doth hereby grant unto the Lessee(s) liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended and henceforth to occupy and enjoy the same as a site for the erection of buildings, and henceforth to hold and enjoy the same and any buildings erected by $\frac{\text{it}}{\text{them}}$ thereon* subject to the conditions set forth in the annexure hereto.

* Fill in as the case may be "free of rent but" or "subject to the payment of the yearly rent of Rs. and"

2. The Lessee(s) hereby covenant(s) with the Secretary of State that the Lessee shall and will [duly pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on $\frac{\text{its}}{\text{their}}$ part to be observed—

Strike out words in brackets if no rent is payable.

In Witness whereof the Secretary of State has hereunto set his hand and seal and the Lessee (s) $\frac{\text{has caused its common seal to be affixed}}{\text{have also set their hands and seals}}$ the day and year first above written.

When the parties execute on separate dates, omit the words "*the day and the year first above written*" and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the Indenture.

Strike out to suit facts.

Signed, sealed and delivered by principal staff officer of the Division on behalf of the Officer Commanding the said Division acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of ——————

The common seal of the Company was hereto affixed in the presence of ——————

or

Signed, sealed and delivered by the above-named in the presence of ——————

Copies of the Form, with the annexure, will be obtainable gratis on application to the Cantonment Magistrate.

ANNEXURE TO FORM A.

Conditions.

Condition I.—The buildings to be erected on the land in accordance with the site-plan appended hereto shall be commenced within six months from the execution of the lease and shall be completed within the period specified in the note endorsed on such plan or within such further period (if any) as the authority which sanctioned the application under *Chapter XXI of the Cantonment Code*, 1899, may by order in writing allow.

Commencement and completion of buildings.

Condition II.—(1) Buildings may be erected on the land only in accordance with the said site-plan or where a proposed building, alteration or addition is not in accordance with such plan with the written permission of the authority which sanctioned the application under *Chapter XXI* of the Cantonment Code, 1899.

Erection of buildings.

(2) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee (s)—

Condition III.—The land shall not be used for any purposes other than those specified in the Lessee(s) application under section 256, clause (*d*) of the Cantonment Code, 1899, nor shall the buildings erected on the land be permitted to fall into such a state of ruin as absolutely to prevent their being used for the purposes so specified. Provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified then and in such case the Lessee(s) shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the

Use of land and maintenance of buildings.

same and shall reinstate the same fit for use for the purposes aforesaid within such period not exceeding two years after the same shall have been so destroyed or injured as aforesaid as to the Officer Commanding the Division shall seem fit provided nevertheless that in no such case shall the Lessee(*s*) be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury:—

Condition III (*a*).—The Lessee(*s*) shall pay the said yearly rent of Rs. by equal monthly instalments of Rs. and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

This clause to be struck out if the land is rent free.

Condition IV.—(1) Whenever the Lessee(*s*) intend(*s*) to transfer by sale, gift, mortgage or exchange its/their interest in the land or in the buildings erected on the land or in any part of the land or buildings it/they or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

Power to veto transfer of Lessee's interest in certain cases.

(2) The Officer Commanding the Division shall have power within the said period of one month and with the concurrence of the Local Government to impose by order in writing his veto on any such transfer, and, if in any case the Cantonment Authority considers it desirable that the said power of veto shall be exercised, it shall report the case to such Officer Commanding the Division without delay.

3. If notice of any such transfer is not given as aforesaid or if any such transfer is made after the same has been vetoed the transfer shall be void.

Condition V.—Every person on whom the Lessee(*s*)' interest in the land or in the buildings erected on the land may devolve by transfer, by succession, or by operation of law shall send to the Cantonment Authority within one month from the date of such devolution a report in writing of the fact together with such particulars as may be required by that authority for entry in the register maintained under section 266 or 267, as the case may be, of the Cantonment Code, 1899.

Report of devolution of Lessee's interest.

Condition VI.—(1) If the Lessee(*s*) does/do not commence or complete as required by Condition I the buildings to be erected on the land, the Cantonment Authority may by notice in writing require it/them to remove all or any buildings or materials which it/they may have erected or collected thereon and if it/they fail (*s*) to comply with such notice the Cantonment Authority may after giving it/them six hours' further notice in writing cause such removal to be effected and recover the cost from it/them and may also cancel the lease.

Procedure on breach of Condition I or Condition II.

(2) If the Lessee(*s*) erect(*s*) any building or make(*s*) any alteration or addition otherwise than as allowed by or under Condition II the Cantonment Authority may by notice in writing require it/them to remove the building or to alter the same to its satisfaction and if it/they fail(*s*) to comply with such notice the Cantonment Authority may after giving it/them six hours' further notice in writing cause such removal or alteration to be effected and recover the cost from it/them.

Condition VII.—(1) So long as the Lessee(*s*) shall duly [pay the siad rent of Rs. and*] observe the conditions hereinbefore specified and on its/their part to be observed it/they may subject to Condition IX hold the land for ever without interruption by the Secretary of State.

Forfeiture for breach of any other condition.

(2) If the Lessee(*s*) shall [fail to pay the said* rent of Rs. for 21 days after the same shall become due or shall] in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof and within such period as therein provided or shall break any of the conditions hereinbefore specified other than Condition I or Condition

*The words in bracket to be struck out if the land is rent free.

II and on its/their part to be observed the Local Government may after giving one month's notice in writing resume possession of the land or any portion thereof and may on such resumption declare all or any part of the right and interest of the Lessee (s) in the buildings erected on the land to be forfeited.

Claims to compensation barred.

Condition VIII.—The Lessee(s) shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition VI or Condition VII, clause (2).

Right of the Government to resume the land on payment of compensation for buildings.

Condition IX.—The Local Government may resume possession of the said land or any portion thereof at any time upon giving one calendar month's previous notice in writing in that behalf to the Lessee(s) under the hand of some duly authorised officer and upon paying to the Lessee(s) compensation for such erections and buildings standing on the land of which possession shall be resumed as aforesaid as shall have been erected during the said term under proper authority. If there shall be any dispute as to the amount of such compensation the same shall be referred to a Committee of Arbitration which shall be constituted as provided in Chapter XX of the Cantonment Code, 1899, and the Lessee(s) shall be bound by the decision of such Committee.

Form of Lease to be executed in cases of lands situate in a Bazar.

FORM B.

This indenture made the day of 190 . Between the Secretary of State for India in Council (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part and

son of

of

(hereinafter called the Lessee which expresion where the context so admits shall include his heirs, executors, administrators and assigns) of the other part. Whereas the Lessee has applied for permission to occupy for the purpose of a building site the land belonging to the Government in the cantonment which is delineated in the site-plan hereto appended and has submitted with his application the particulars and documents required by sections 256 and 257 of the Cantonment Code, 1899, and whereas the said application has received the sanction of the Cantonment Authority of

Now this Indenture witnesseth as follows—

1. The Secretary of State doth hereby grant unto the Lessee liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended and henceforth to occupy and enjoy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by him thereon* subject to the conditions set forth in the annexure hereto.

*Fill in as the case may be "free of rent but" or "subject to the payment of the yearly rent of Rs. and"

Strike out words in brackets if no rent is payable.

2. The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will [duly pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his part to be observed.

When the parties execute on separate dates omit the words "*the day and the year first above written*" and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the indenture.

In witness hereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered By the Cantonment Authority of
acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of

Signed, sealed and delivered by the abovenamed
in the presence of

Copies of this Form with the annexure will be obtainable gratis on application to the Cantonment Magistrate.

ANNEXURE TO FORM B.

Commencement and completion of buildings.

Condition I.—The buildings to be erected on the land in accordance with the site-plan appended hereto shall be commenced with in six months from the execution of the lease and shall be completed within the period specified in the note endorsed on such plan or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1899, may by order in writing allow.

Erection of buildings.

Condition II.—(1) The buildings may be erected on the land only in accordance with the said site-plan or where a proposed building, alteration or addition is not in accordance with such plan with the written permission of the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1899.

(2) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee.

Use of land and maintenance of buildings

Condition III.—The land shall not be used for any purposes other than those specified in the Lessee's application under section 256 (*d*) of the Cantonment Code, 1899, nor shall the buildings erected on the land be permitted to fall into such a state of ruin as absolutely to prevent their being used for the purposes so specified, provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified, then and in such case, the Lessee shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the same and shall reinstate the same fit for use for the purposes aforesaid, within such period not exceeding two years after the same shall have been so destroyed or injured as aforesaid as to the Cantonment Authority of
shall seem fit. Provided nevertheless that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

This clause to be struck out if the land is rent free.

Condition III (a).—The Lessee shall pay the said yearly rent of Rs. by equal monthly instalments of Rs. and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

Power to veto transfer of Lessee's interest in certain cases.

Condition IV.—(1) Whenever the Lessee intends to transfer by sale, gift, mortgage, or exchange, his interest in the land or in the buildings erected on the land or in any part of the land or buildings he or the intended transferree shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The Officer Commanding the Division shall have power, within the said period of one month and with the concurrence of the Local Government, to impose by order, in writing, his veto on any such transfer, and if in any case the Cantonment Authority considers it desirable that the said power of veto should be exercised, it shall report the case to such General Officer without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any transfer is made after the same has been vetoed the transfer shall be void.

Report of devolution of Lessee's interest.

Condition V.—Every person on whom the Lessee's interest in the land or in the buildings erected on the land, may devolve by transfer, by succession, or by operation of law, shall send to the Cantonment Authority within one month from the date of such devolution a report in writing of the fact together with such particulars as may be required by that authority for entry in the register maintained under section 266 or 267, as the case may be of the Cantonment Code, 1899.

Procedure on breach of Condition I or Condition II.

Condition VI.—(1) If the Lessee does not commence or complete as required by Condition I the buildings to be erected on the land the Cantonment Authortiy may by notice in writing, require him to remove all or any buildings or materials which he may have

erected or collected thereon; and if he fails to comply with such notice the Cantonment Authority may after giving him six hours' further notice in writing cause such removal to be effected and recover the cost from him, and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II the Cantonment Authority may by notice in writing require him to remove the building or to alter the same to its satisfaction, and if he fails to comply with such notice the Cantonment Authority may after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

Forfeiture for breach of any other condition.

*The words in brackets to be omitted if the land is rent free.

Condition VII.—(1) So long as the Lessee shall duly *[pay the said rent of Rs. and] observe the conditions hereinbefore specified, and on his part to be observed he may, subject to Condition IX, hold the land for the term of years computed from the day of without interruption by the Secretary of State.

†The words in brackets to be struck out if the land is rent free.

(2) If the Lessee shall [fail to pay the† said rent of Rs. for 21 days after the same shall become due or shall] in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone, or other act of God fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof and within such period as therein provided or shall break any of the Conditions hereinbefore specified other than Condition I or Condition II and on his part to be observed, the Local Government may, after giving one month's notice in writing, resume the land or any portion thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee in the buildings erected on the land to be forfeited.

Claims to compensation barred.

Condition VIII.—The Lessee shall not be entitled to compensation for any loss incurred by reason of any thing done in pursuance of Condition VI or Condition VII, clause (2).

Land and building to be delivered up at end of term without compensation and right of Government to resume land prior to expiration of term on payment of compensation.

Condition IX.—At the expiration of the said term of years the Lessee shall deliver up to the Local Government and without receiving any compensation whatever the land comprised in this demise together with all erections and buildings which may be then standing thereon. Provided always that the Local Government may at any time prior to the expiration of the said term resume possession of the said land or any portion thereof upon giving one calendar month's previous notice in writing in that behalf to the Lessee under the hand of some duly authorized officer and upon paying to the Lessee compensation for such erections and buildings standing on the land of which possession shall be resumed as aforesaid as shall have been erected during the said term under proper authority. If there shall be any dispute as to the amount of such compensation the same shall be referred to a Committee of Arbitration which shall be constituted as provided in Chapter XX of the Cantonment Code, 1899, and the Lessee shall be bound by the decision of such Committee.

Form of lease to be executed in all cases other than those for which Forms A and B are prescribed.

FORM C.

This Indenture made the day of

Between the Secretary of State for India in Council (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part and

son of

of

(hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors, administrators, representatives and assigns) of the other part. *Whereas* the Lessee has applied for permission to occupy for the purposes of a building site, the land belonging to the Government in the Cantonment which is delineated in the site-plan hereto appended, and has submitted with his

application the particulars and documents required by sections 256 and 257 of the Cantonment Code, 1899. *And whereas* the said application has received the sanction of the Officer Commanding the Division

Now this Indenture witnesseth as follows :—

1. The Secretary of State doth hereby grant unto the Lessee liberty and license to enter into and upon the piece or parcel of land delineated in the site plan hereto appended and to occupy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by him thereon* subject to the conditions set forth in the annexure hereto.

* Fill in as the case may be "free of rent but" or "subject to the payment of the yearly rent of Rs. and"

2. The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will duly [pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefor referred to and on his and their part to be observed. *In witness* whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.—

Strike out words in brackets if no rent payable. When the parties execute on separate dates omit the words "*the* day *and the year first above written*" and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the indenture.

Signed sealed and *delivered* by

Principal Staff Officer of the Division on behalf of the Officer Commanding the said Division acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of

Signed sealed and *delivered* by the abovenamed

in the presence of

Copies of this Form with the annexure will be obtainable gratis on application to the Cantonment Magistrate.

ANNEXURE TO FORM C.

Conditions.

In these conditions :—

(*a*) "house" means the house erected on the land occupied by the Lessee, and includes the land and building appurtenant to the house ; and if any question arises whether any land or building is appurtenant to the house it shall be decided by the Cantonment Magistrate, whose decision thereon shall subject to revision by the District Magistrate be final.

(*b*) the expression "repairs" to a house shall be deemed to include such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the Lessee's consent.

(*c*) "Military Officer" means a commissioned or warrant officer of the army on military duty in the Cantonment and includes a Chaplain, a Cantonment Magistrate, and any person in army departmental employment whom the Officer Commanding the Division may for the purposes of these conditions place on the same footing as a military officer and

(*d*) "civil officer" means a gazetted civil officer of the Government and includes any other person in the service of the Government not being a military officer whon the Local Government may for the purposes of these conditions place on the same footing as a civil officer.

Condition I.—The buildings to be erected on the land in accordance with the site-plan appended hereto shall be commenced within six months from the execution of the lease, and shall be completed within the period specified in the note endorsed on such plan or within such further period (if any) as the authority which sanctioned the application under chapter XXI of the Cantonment Code, 1899, may by order in writing allow.

Commencement and completion of buildings.

Condition II.—(1) Buildings may be erected on the land only in accordance with the site-plan appended to the lease or where a proposed building, alteration or addition is not in accordance with such plan with the written permission of the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1899.

Erection of buildings.

(2) Any such permission may be given subject to any conditions which may be agreed upon between such authority and the Lessee.

Condition III.—The land shall not be used for any purpose other than those specified in the Lessee's application under section 256, clause (*d*) of the Cantonment Code, 1899, nor shall the buildings erected on the land be permitted to fall into such a state of ruin as absolutely to prevent their being used for the purposes so specified. *Provided always* that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified then and in such case the Lessee shall within six calendar months from such destruction or injury as aforesaid commence to rebuild the same and shall reinstate the same fit for use for the purposes aforesaid within such period not exceeding two years after the same shall have been so destroyed or injured as aforesaid as to the Officer Commanding the Division shall seem fit. *Provided nevertheless* that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

Use of land and maintenance of buildings.

Condition III (a).—The Lessee shall pay the said yearly rent of Rs. by equal monthly instalments of Rs. and the said instalments shall be paid on the 15th day of every month during the continuance of this demise for the month immediately preceding.

This clause to be struck out if the land is rent free.

Condition IV, clause—(1). Whenever the Lessee intends to transfer by sale, gift, mortgage or exchange his interest in the land or in the buildings erected on the land, or in any part of the land or buildings he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

Power to veto transfer of Lessee's interest in certain cases.

(2) The Officer Commanding the Division shall have power within the said period of one month and with the concurrence of the Local Government to impose by order in writing his veto on any such transfer and if in any case the Cantonment Authority considers it desirable that the said power of veto should be exercised it shall report the case to such Officer Commanding the Division without delay.

(3) If notice of any such transfer is not given as aforesaid or if any such transfer is made after the same has been vetoed the transfer shall be void.

Condition V.—Every person on whom the Lessee's interest in the land or in the buildings erected on the land may devolve by transfer, by succession, or by operation of law, shall send to the Cantonment Authority within one month from the date of such devolution, a report in writing of the fact together with such particulars as may be required by that authority for entry in the register maintained under section 266 or section 267, as the case may be, of the Cantonment Code, 1899.

Report of devolution of Lessee's interest.

Condition VI.—The Secretary of State reserves a right subject to the conditions hereinafter contained to appropriate the house at any time for occupation by any military officer or civil officer.

Right of the Government to appropriate the house for occupation by any military or civil officer.

Condition VII.—If the Lessee lets the house to any person other than a military officer or (if the house has been set apart in accordance with Condition X for occupation by civil officers) a civil officer possession of the house shall not be given until—

Agreement to vacate to be executed when house is let to any person other than a military or civil officer.

(*a*) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition X without claiming any compensation and registered such agreement under the law for the time being in force relating to the registration of documents; and

(*b*) the Lessee has forwarded an attested copy of such agreement to the Cantonment Authority.

Condition VIII.—Whenever the Cantonment Authority considers that the right reserved by Condition VI should be exercised in behalf of any military officer, it may if the house is not already occupied by a military officer and if it has not been set apart in accordance with Condition X for occupation by civil officers by notice in writing—

Appropriation of house for a military officer where it is not already occupied by a military officer.

(*a*) require the Lessee to let the house to the military officer named in the notice and

(*b*) require the existing tenant (if any) to vacate the same.

Condition IX.—If the house is occupied by a departmental military officer and the Cantonment Authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or *vice versâ*, it may, by notice in writing, require the officer in occupation to vacate the house; and may, if necessary, by further notice in writing, require the Lessee to accept the change of tenancy.

Appropriation of house for a military officer, where it is occupied by another military officer.

Condition X.—(1) The Cantonment Authority may at any time with the previous sanction of the Officer Commanding the Division, given with the concurrence of the Local Government, set apart the house for occupation by civil officers.

Appropriation of house for civil officers.

(2) If the house has been so set apart the arrangement shall not be revoked without the concurrence of the Local Government.

(3) If while the house is so set apart, the Cantonment Authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing—

(*a*) require the Lessee to let the house to the civil officer named in the notice and

(*b*) require the existing tenant (if any) to vacate the same.

Condition XI.—(1) Whenever a military officer or a civil officer considers that a notice should be issued in his behalf under Condition VIII, Condition IX or Condition X, he may request (in the case of a regimental officer) the Commanding Officer of his regiment or (in the case of a departmental military officer) the local head of his department or (in the case of civil officer) the District Magistrate to make an application to that effect to the Cantonment Authority.

Procedure to be observed before appropriating house.

(2) On receipt of any such application the Cantonment Authority shall inquire into the case, and it shall not issue the notice unless it is satisfied—

(*a*) that the officer ought to reside in the Cantonment, and

(*b*) that the circumstances are such as to require its intervention, and

(*c*) that the rent offered by the officer for the house is reasonable, and

(*d*) if the house is vacant that it is suitable for the residence of the officer, and

(*e*) if the house is occupied, that it is suitable for the residence of the officer, and that there is no vacant house in the Cantonment which is suitable for his residence.

Explanation.—In considering whether a house is suitable for the residence of an officer regard shall be had to (I) the locality in which his duties chiefly lie and (II) his rank.

Condition XII.—(1) The house shall not be occupied for the purposes of a bank, hotel, shop or school, or by a railway administration, without the previous written sanction of the Officer Commanding the Division given with the concurrence of the Local Government.

Sanction to be obtained before house is occupied as a bank, hotel, shop or school, or by a railway company.

(2) Before application is made for such sanction the Commanding Officer of the Cantonment shall certify whether or not in his opinion the number of houses in the cantonment, as compared with the strength of the existing or probable garrison renders it likely that such occupation as aforesaid would—

(*a*) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military officers or civil officers, or

(*b*) necessitate the acquisition of land at some future time for the extension of the cantonment.

House not to be appropriated for military or civil officer if it is occupied with sanction as a bank, hotel, shop or school or by a railway administration or is otherwise appropriated by the Government.

Condition XIII.—No notice shall be issued under Condition VIII or Condition X if the house—

(*a*) is occupied with the sanction required by Condition XII as a bank, hotel, shop or school and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or

(*b*) is occupied, with the sanction aforesaid by a railway administration, or

(*c*) is appropriated by the Local Government with the concurrence of the Officer Commanding the Division or by the Governor-General in Council, for use as a public office or for any other purpose.

Rent offered to be stated in notice to Lessee.

Condition XIV.—Every notice to the Lessee issued under Condition VIII, Condition IX or Condition X shall state the amount of monthly rent which the proposed tenant offers to pay for the house.

Time to be allowed for giving possession of house.

Condition XV.—(1) If the house is unoccupied, any notice issued under Condition VIII or Condition X may require the Lessee to give possession of the same to the proposed tenant within four days from the service of the notice.

(2) If the house is occupied, no such notice as aforesaid shall require its vacation in less than thirty days from the service of the notice.

Terms of tenancy applicable to military and civil officers.

Condition XVI.—(1) Subject to the terms of any agreement in writing between the Lessee and a military officer or a civil officer, and to the terms of this condition every lease of the house to such an officer shall be deemed to be a lease from month to month terminable—

(*a*) without notice in the case of the departure of the officer from the Cantonment on duty or under medical certificate or in the case of a Committee of Arbitration deciding that the house has become unfit for occupation, or

(*b*) by one month's notice in writing to the Lessee in any other case.

(2) A notice under clause (1) of this condition must be signed by or on behalf of the officer concerned, and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the Lessee free of charge.

(3) When a military officer or a civil officer has, in pursuance of clause (1) of this condition, given up his occupation of the house without notice and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month:

Provided that the sum shall not, in any case, be less than one-fourth of the monthly rent.

Sublease voidable at option of Lessee.

Condition XVII.—If any tenant of the house being a military officer, or a civil officer, sublets the same without the consent of the Lessee, the sublease shall be voidable at the option of the Lessee.

Right of Lessee to require reference to arbitration on question of rent.

Condition XVIII.—(1) If the Lessee considers that any rent offered by a proposed tenant and stated in a notice in accordance with Condition XIV is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the Cantonment to a Committee of Arbitration.

(2) If the Lessee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(3) After such acceptance, or the decision of a Committee of Arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (*a*) of Condition XXI.

Condition XIX.—(1) If the Lessee fails to execute any repairs to the house which any tenant being a military or civil officer, may consider necessary, the Cantonment Authority may at the request of the tenant and if it is satisfied that such repairs or any of them are necessary, by notice in writing require the Lessee to execute such repairs, or such of them as it may consider necessary within a period not less than fifteen days to be specified in the notice.

Right of Lessee to require reference to arbitration on question of repairs.

(2) If the Lessee objects to comply with any notice issued under clause (1) of this condition he may within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the Cantonment to a Committee of Arbitration.

Condition XX.—If any tenant of the house being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may apply to the Commanding Officer of the Cantonment to refer the matter to a Committee of Arbitration.

Power of tenant to apply for reference to arbitration on question whether house has become unfit for occupation.

Condition XXI.—If the Lessee and any tenant of the house, being a military or civil officer, disagree—

Power of either Lessee or tenant to apply for reference to arbitration on other questions.

(*a*) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(*b*) on any matter relating to rent or repairs other than a matter referred to in clause (*a*) of this condition or in Condition XVIII, Condition XIX or Condition XX,

either the Lessee or the tenant may apply to the Commanding Officer of the Cantonment to refer the matter to a Committee of Arbitration.

Condition XXII.—Whenever any matter is referred to a Committee of Arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the Committee shall be constituted as provided in Chapter XX of the Cantonment Code, 1899, and the Lessee and his tenant shall be bound by the decision of the Committee.

Constitution of Committee of Arbitration, its decision to be binding on Lessee and his tenant.

Condition XXIII.—If the Lessee fails to comply with any notice issued under clause (1) of Condition XIX, and has not, within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or—

Right of tenant to execute repairs and deduct cost from rent.

If any Committee of Arbitration constituted under Chapter XX of the Cantonment Code, 1899, decide that repairs are necessary and the extent to which they are necessary and the Lessee fails to execute such repairs within a period to be specified in a notice issued by the Cantonment Authority in that behalf, the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the Cantonment by the Military Works Department or the Public Works Department and may deduct the cost thereof from the rent, or otherwise recover it from the Lessee.

Condition XXIV.—(1) If the Lessee does not commence or complete as required by Condition I the buildings to be erected on the land, the Cantonment Authority may by notice in writing require him to remove all or any buildings or materials which he may have erected or collected thereon; and if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him and may also cancel the lease.

Procedure on breach of Condition I or Condition II.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the Cantonment Authority may by notice in writing require him to remove the building or to alter the same to its satisfaction, and if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

Condition XXV.—(1) So long as the Lessee shall [*duly pay the said rent of Rs. and] observe the conditions hereinbefore specified and on his part to be observed, he may subject to Condition XXVII hold the land for the term of years computed from the day of without interruption by the Secretary of State.

Forfiture for breach of any other condition.

* The words in brackets to be omitted if the land is rent free.

2. If the Lessee shall [fail to pay the said rent of Rs for 21 days after the same shall become due or shall] in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God fail to commence rebuilding the same as provided in Condition III hereof within six months of such destrution or injury and to re-instate the same fit for use as provided in the said Condition III hereof and within such period as therein provided or shall break any of the conditions hereinbefore specified other than Condition I or Condition II, and on his part to be observed, the Local Government may after giving one month's notice in writing resume the land or any portion, thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee in the buildings erected on the land to be forfeited.

The words in brackets to be omitted if the land is rent free.

Condition XXVI.—The Lessee shall be not entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV or Condition XXV, clause (2).

Claims to compensation barred.

Condition XXVII.—At the expiration of the said term of years the Lessee shall deliver up to the Local Government and without receiving any compensation whatever the land comprised in this demise together with all erections and buildings which may be then standing thereon. Provided always that the Local Government may at any time prior to the expiration of the said term resume possession of the said land or any portion thereof upon giving one calendar month's previous notice in writing in that behalf to the Lessee under the hand of some duly authorized officer and upon paying to the Lessee compensation for such erections and buildings standing on the land of which possession shall be resumed as aforesaid as shall have been erected during the said term under proper authority. If there shall be any dispute as to the amount of such compensation the same shall be referred to a Committee of Arbitration which shall be constituted as provided in Chapter XX of the Cantonment Code, 1899, and the Lessee shal l be bound by the decision of such Committee.

Land and buildings to be delivered up at expiration of term without compensation and right of Government to resume land prior to expiration of term on payment of compensation.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—7-8-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 14, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 1, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Simla, the 28th July, 1908.

No. 864.—Colonel T. E. L. Bate, C.I.E., I.M.S. (Bengal), Inspector-General of Civil Hospitals, Punjab, is granted privilege leave for three months with effect from the 29th July 1908.

No. 865.—Lieutenant-Colonel G. F. A. Harris, M.D., F.R.C.P., I.M.S. (Bengal), is appointed to officiate as Inspector-General of Civil Hospitals, Punjab, during the absence on leave of Colonel T. E. L. Bate, C.I.E., I.M.S. (Bengal), or until further orders.

H. A. STUART,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 31st July, 1908.

CANTONMENTS.

REGULATIONS.

No. 656.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below :—

In section 29, sub-section (1), clause (*g*), add the following to the clause—

"and the conveyance of patients to and from hospitals and their expenses therein."

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—14-8-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 21, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 1, 1908.

ARMY DEPARTMENT.

Simla, the 31st July, 1908.

LONDON GAZETTE.

No. 640.—*Erratum.*—In the extracts from the Supplement to the "*London Gazette,*" dated 26th June 1908, published at page 682 of the *Gazette of India,* dated 25th July 1908, above the name of Lieutenant-Colonel Joseph Binning, V.D., Commandant, 2nd Presidency) Battalion, Calcutta Volunteer Rifles, *read* "To be Companions."

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED AUGUST 8, 1908.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 3rd August, 1908.

No. 130.—Mr. E. A. Dennys, Examiner of Accounts, on leave, is permitted to retire from the service under article 465, Civil Service Regulations, with effect from the 1st August 1908.

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

TELEGRAPHS.

Simla, the 5th August, 1908.

No. 7388—197.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that, with effect from the 1st September 1908, the following clause shall be substituted for clause 12 of rule 31 of the Rules published with the notification of the Government of India in the Public Works Department, No. 298 Telegraphs, dated the 22nd September 1904, namely:

(12) The fee for the registration of an abbreviated address is Rs. 10 per annum or Rs. 5 half-yearly, payable in advance. The fee for registration should be paid to the officer in charge of the Telegraph Office at which the registration is effected.

POST OFFICE.

The 5th August, 1908.

No. 7397—225.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), and in supersession of all existing notifications under that Act or the Indian Post Office Act, 1866 (XIV of 1866), the Governor-General in Council is pleased to issue the following rules and orders:

PART I.—RATES OF POSTAGE.

I.—INDIAN POSTAL ARTICLES.

1. The following rates of postage shall be chargeable on postal articles where the postage is prepaid:—

Letters.

For a letter not exceeding one tola in weight ...	Half an anna.
For a letter exceeding one tola but not exceeding ten tolas in weight	One anna.
For every additional ten tolas or part of that weight	One anna.

Postcards.

For a single postcard	One-quarter of an anna.
For a reply postcard	Half an anna, that is one-quarter of an anna for each portion of the reply postcard.

Book, pattern and sample packets.

For every ten tolas or part of that weight ...	Half an anna.

Registered newspapers.

For a newspaper not exceeding six tolas in weight ...	One-quarter of an anna.
For a newspaper exceeding six tolas but not exceeding twenty tolas in weight	Half an anna.
For every additional twenty tolas or part of that weight	Half an anna.

Parcels.

(*a*) *Parcels not exceeding 440 tolas in weight—*

For a parcel not exceeding forty tolas in weight ...	Two annas.
For every additional forty tolas or part of that weight	Two annas.

(*b*) *Parcels exceeding 440 tolas in weight—*

For a parcel exceeding 440 tolas, but not exceeding 480 tolas in weight	Three rupees.
For every additional forty tolas or part of that weight	Four annas.

NOTE.—The expression "Inland" shall not apply to postal articles other than parcels and official articles when—

(*a*) posted in British India and addressed to any of the undermentioned places for which post offices have been established by the Governor-General in Council beyond the limits of British India, namely :—

(1) Bagdad.	(4) Bushire.
(2) Bundar-Abas.	(5) Jask.
(3) Busrah.	(6) Linga.

(7) Mohammerah.

(*b*) posted at any of the post offices established by the Governor-General in Council at those places and addressed to any other of those places or to any place in British India.

On such articles the following rates of postage shall be chargeable when the postage is prepaid :—

Letters.

For a letter not exceeding one ounce in weight ...	Two-and-a-half annas.
For every additional ounce or part of that weight ...	One-and-a-half annas.

Postcards.

For a single postcard	One anna.
For a reply postcard	Two annas.

Printed papers (including newspapers and books).

For a packet not exceeding two ounces in weight ...	Half an anna.
For every additional two ounces or part of that weight	Half an anna.

Business papers (legal and commercial documents).

For a packet not exceeding ten ounces in weight ...	Two-and-a-half annas.
For every additional two ounces or part of that weight	Half an anna.

Samples.

For a packet not exceeding four ounces in weight ...	One anna.
For every additional two ounces or part of that weight	Half an anna.

2. The following rates of postage shall be chargeable on the delivery of postal articles where the postage is not prepaid or is insufficiently prepaid :—

On an unpaid letter, postcard of private manufacture or packet	Double the prepaid rate.
On an insufficiently paid letter or packet ...	Double the deficiency.
On an insufficiently paid reply postcard of private manufacture	Double the prepaid rate on the half for which the postage is not prepaid.

II.—FOREIGN POSTAL ARTICLES.

3. The following are declared to be the rates of postage chargeable on postal articles where the postage is prepaid :—

Letters.

(1) *For the United Kingdom and the following British Possessions and Protectorates :—*

Antigua.
Ascension.
Australia (including the States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; also British New Guinea and Norfolk Island).
Bahamas.
Barbados.
Basutoland.
Bechuanaland Protectorate.
Bermuda.
British Bechuanaland.
British Central Africa.
British East Africa and Uganda.
British Guiana.
British Honduras.
British North Borneo.
British Somaliland.
Canada.
Cape Colony.
Cayman Islands.
Cyprus.
Dominica.
Falkland Islands.
Fanning Islands.
Fiji.
Gambia.
Gibraltar.
Gold Coast.
Grenada.
Hong Kong.
Jamaica.
Labuan.
Lagos.
Malay States (Federated).
Malta.
Mauritius.
Montserrat.
Morocco (British Post Office Agencies).
Natal.
Nevis.
Newfoundland.
New Zealand (with Cook Islands).
Nigeria (Northern and Southern).
Orange River Colony.
Rhodesia.
St. Helena.
St. Kitts.
St. Lucia.
St. Vincent.
Sarawak.
Seychelles.
Sierra Leone.
Straits Settlements.
Tobago.
Tortola.
Transvaal.
Trinidad.
Tristan d'Acunha.
Turks and Caicos Islands.
Zanzibar.

(2) *For Egypt (including Soudan)—*

For a letter not exceeding one ounce in weight ... One anna.
For every additional ounce or part of that weight ... One anna.

For any other part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

For a letter not exceeding one ounce in weight ... Two-and-a-half annas.
For every additional ounce or part of that weight ... One-and-a-half annas.

For Ceylon ... ... Indian inland rates.
For Portuguese India ... ... Indian inland rates.

Postcards.

For any part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

For a single postcard	One anna.
For a reply postcard	Two annas.
For Ceylon	Indian inland rates.
For Portuguese India	Indian inland rates.

Printed papers (including newspapers and books).

For any part of the world served by the Foreign Post with the exception of Celyon and Portuguese India—

For a packet not exceeding two ounces in weight ...	Half-an-anna.
For every additional two ounces or part of that weight	Half-an-anna.
For Ceylon	Indian inland rates.
For Portuguese India	Indian inland rates.

Business papers (legal and commercial documents).

For any part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

For a packet not exceeding ten ounces in weight ...	Two-and-a half annas.
For every additional two ounces or part of that weight	Half an anna.
For Ceylon	Indian inland rates.
For Portuguese India	Indian inland rates.

Samples.

For any part of the world served by the Foreign Post with the exception of Ceylon and Portuguese India—

For a pocket not exceeding four ounces in weight ...	One anna.
For every additional two ounces or part of that weight	Half an anna.
For Ceylon	Indian inland rates.
For Portuguese India	Indian inland rates.

Registered newspapers.

For Ceylon	Indian inland rates.

Parcels.

The Director-General shall, from time to time, declare in the *Indian Postal Guide* the countries and places to which parcels may be transmitted by the Foreign post, and the rates of postage chargeable in each case.

In the case of Ceylon the Indian inland rates of postage shall be applicable, provided, that prepayment of postage, and registration, shall be compulsory.

4. The following are declared to be the rates of postage chargeable on the delivery of postal articles, other than parcels received by the Foreign post, where the postage is not prepaid or is insufficiently prepaid:—

When the postage is not prepaid	Double the prepaid rate.
When the postage in insufficiently prepaid ...	Double the deficiency.

PART II.—MAIN CONDITIONS OF TRANSMISSION BY POST OF POSTAL ARTICLES.

I.—INLAND POSTAL ARTICLES.

(*a*) *Postcards.*

5. Single and reply cards of private manufacture, with or without adhesive postage stamps affixed thereto in payment of postage, may be transmitted by post as postcards:

Provided that—

(*a*) as regards size, they are not more than 5½ by 3½ inches or less than 4¾ by 3 inches, and

(*b*) as regards substance, they are neither thinner nor more flexible than the inland postcards issued by the Post Office.

6. All reply postcards of private manufacture shall display the title "Postcard" on the address-side, but this title is not obligatory for single cards of private manufacture. Reply-halves of reply paid cards shall bear the words "Postcard" and "Reply." Whatever is printed on the address-side of the inland or international official postcards issued by the Post Office is also permissible on the address-side of cards of private manufacture.

(*a*) A postcard shall not be folded, cut, or otherwise altered, except that the impressed postage stamp (if any) may be perforated with initials; nor may a postcard be enclosed in a cover of any kind.

(*b*) The right-hand half of the address-side of a postcard is in all cases reserved for the address of the recipient, for the postage stamp necessary for prepayment, which should, so far as possible, be affixed in the upper right-hand corner, and for postal directions (such as "Registered," "Acknowledgment due," "Stamped," "Local," etc.), but the left-hand half of the address-side, as well as the back, may be used by the sender for the purpose of a written communication, or may be otherwise disposed of, subject to the restrictions mentioned in sub-rule (2) of this rule.

NOTE.—A small space marked off by fine lines or minute dots to indicate the place where the postage stamp should be affixed is allowed on the upper right hand corner of the address-side of postcards.

(2) Nothing shall be attached to a postcard except—

(*a*) stamps in payment of postage or stamp duty;

(*b*) a gummed label [not to exceed 2 inches (in length) and ¾ inch (in width)], bearing the name and address of the person to whom the card is sent;

(*c*) a similar label, bearing the name and address of the sender of the card; and

(*d*) engravings, illustrations, drawings, and photographs on very thin paper and completely adherent to the card.

The articles specified in paragraphs (*c*) and (*d*) may be affixed either to the back or the left-hand half of the address-side.

(3) The reply-halves of reply-paid cards cannot be registered by the original senders of such cards.

7. Should any of the conditions imposed by rules 5 and 6 be infringed, the postcard shall be treated as a letter.

(*b*) *Book packets.*

8. A book packet may contain any of the following articles:—

(*a*) newspapers and publications of all kinds; books, whether blank or printed; engravings; photographs, drawings, plans, maps, printed music, and proof sheets with or without the manuscript relating thereto; blank paper, parchment or card-board; and generally, anything on paper, parchment or card-board which is printed, engraved, lithographed, papyrographed, or produced by any other mechanical process easy to recognise, except the copying press and the type-writer:

Provided that no card bearing the heading "Postcard" shall be allowed to be transmitted open by post as a book packet;

(*b*) business papers, written or drawn wholly or partly by hand, not being of the nature of a letter or having the character of a personal communication, such as deeds, bills of lading, invoices, accounts, proposals and policies of assurance, powers of attorney, licenses, statistical returns submitted by or to public officers in their official capacities and manuscript of all kinds, including manuscript music not being of the nature of personal correspondence ;

(*c*) written letters of old date which have previously passed through the post and served their original purpose ;

(*d*) reproductions of a manuscript or type-written original obtained by mechanical process of polygraphy (chromography, mimeography, etc.), provided they are handed in at the post office counter and number at least 20 copies precisely identical ;

(*e*) circulars, *i.e.*, printed notices and printed letters, provided they contain nothing in writing except (*a*) corrections of press errors, (*b*) the date of despatch and the name and address and description of the sender, and the name of the addressee, and (*c*) the place, date, and hour, when the circular is a notice of meeting, or appointment, and in the case of a notice of meeting the objects of the meeting.

(2) With any of the above mentioned articles may be sent anything that is necessary for their safe transmission through the post, such as rollers, etc., and with any of the articles mentioned in clause (*a*) may be sent any legitimate binding, mounting, or covering, loose or attached, and anything that ordinarily appertains to such articles, as pens and pencils in the case of a pocket-book, photographs in the case of a photograph-book, and card-plates in the case of visiting cards.

(3) Manuscript for the press shall not be reckoned as having the character of personal correspondence within the meaning of clause (*b*), and may be sent as a book packet.

9. No communication of the nature of a letter, or having the character of a personal communication, shall be enclosed with, or written upon, the contents of a book packet :

Provided that nothing in this rule shall be held to prohibit inscriptions or entries stating who the sender is or to whom the articles are to be given, or to prohibit purely complimentary greetings from being entered, in writing or otherwise, on Christmas, New Year and Birthday cards and similar articles.

10. A book packet shall not contain "paper money," which for the purposes of this rule includes unobliterated postage or other stamps, currency notes, hundies, cheques, bank-notes, bankpost bills, bills of exchange, and all orders or authorities for the payment of money.

Explanation.—This rule shall not apply to a book packet containing a stamped and addressed envelope, postcard, or wrapper, forwarded by the sender of the packet in order that such envelope, card, or wrapper may be returned through the post to the sender or sent to some other person designated by him.

11. The dimensions of a book packet, which may be of any shape, shall not exceed two feet in length by one foot in width and one foot in depth. When, however, the packet is in the form of a roll, the length shall not exceed thirty inches :

Provided that, if the length exceeds twenty-four inches (two feet), the diameter shall not exceed four inches.

12. A book packet shall be posted without a cover, or with a cover entirely open at both ends, or in an unfastened envelope or in a cover which can be easily removed so may to admit of a ready examination of the contents. The ends of the packet, however, may be tied with string.

Illustration.—A closed envelope notched at the sides or ends does admit of a ready examination of its contents, and does not, therefore, fulfil the conditions prescribed by this rule.

13. If a book packet is found to contain anything not permitted by the rules, or to be in excess of the prescribed size, or to be packed in a manner not in accordance with the rules, it shall be charged on delivery with letter or parcel postage, whichever may be less. Any postage stamps that may be affixed to it shall, however, be recognised in assessing the charge.

(c) *Pattern packets.*

14. A pattern packet may contain *bonâ fide* trade patterns or samples of merchandise not having any saleable value, together with, or without, any matter which may be sent as a book packet. There shall be no writing upon or in a pattern packet, except the name and address of the sender, the name and address of the person for whom it is intended, a trade mark, numbers, prices, and indications as to the weight, size or quantity to be disposed of.

(2) Objects of natural history, dried or preserved animals and plants, geological specimens and other similar objects shall also be admitted to transmission by post at the rates of postage for pattern packets, provided that they are not sent for a commercial purpose, and that they are packed in the manner prescribed for pattern packets generally.

15. The dimensions of a pattern packet shall not exceed two feet in length by one foot in width and one foot in depth; and the weight shall not exceed eighty tolas.

16. A pattern packet shall be posted without a cover, or with a cover open at both ends, or in an unfastened envelope or other cover which can be easily removed so as to admit of a ready examination of the contents.

(2) Samples of seeds, drugs and other articles which cannot be sent in unfastened or removable envelopes may be sent enclosed in boxes or bags, provided that they are fastened in such a way that they can be easily opened: they may also be sent in air tight cases when necessary, provided that the nature of the contents is certified on the cover under the full signature and address of the sender.

(3) Articles of glass shall be securely packed (in boxes of metal, wood, leather or card board) in such a way as to prevent all risk of injury to the mails or to the officers of the Post Office.

(4) Liquids, oils and fatty substances easily liquefied shall be enclosed in glass bottles hermetically sealed. Each bottle shall be placed in a wooden box furnished with saw-dust, cotton, or some spongy material in sufficient quantity to absorb the liquid in case the bottle be broken. Finally, the box itself shall be enclosed in a case of metal, or of wood with a screw top, or of a strong and thick leather.

Explanation.—When use is made of perforated wooden blocks of the thickness of at least $\frac{1}{10}$th of an inch in the weakest part, with a sufficient quantity of absorbent material inside and provided with a cover, the blocks need not be enclosed in a second case.

(5) Fatty substances which are not easily liquefied, such as ointments, soft soaps, resins, etc., shall be enclosed in an inner cover (box, bag of linen or parchment, etc.) which shall itself be placed in a second box of wood, metal or strong and thick leather.

(6) Dry powders, whether dyes or not, shall be placed in card-board boxes, which themselves shall be enclosed in a bag of linen or parchment.

(7) Live bees shall be enclosed in boxes so constructed as to prevent all danger and to allow the contents to be a certained.

17. If a pattern packet is found to contain anything not permitted by the rules, or to be in excess of the prescribed size or weight, to be packed in a manner not in accordance with the rules, it shall be charged on delivery with letter or parcel postage, whichever may be less. Any postage stamps that may be affixed to it shall, however, be recognized in assessing the charge.

(2) If a packet containing samples of any of the articles mentioned in clauses (3) to (7) of rule 16 is not packed in the manner prescribed therein, it shall not be forwarded.

(d) *Registered newspapers.*

18. Newspapers as defined in section 9 of the Indian Post Office Act, 1898 (hereinafter referred to as "the Act"), shall be transmitted by post as registered newspapers, provided that they are posted in accordance with the following conditions:—

(a) The newspaper shall be registered in the office of the Postmaster-General, or officer exercising the powers of the Postmaster-General, of the postal circle in which it is published. Such registration shall cease to have effect at the close of the calendar year following that in which it was effected, and must be renewed if a continuance of the privilege conferred by the system beyond that time is desired.

(*b*) The postage shall be prepaid by postage stamps.

(*c*) The newspapers shall bear in print immediately above the address the word "Registered" followed by the registration-number which shall be assigned to it by the Postmaster-General, or other officer referred to in condition (*a*).

(*d*) The newspaper shall be posted at the place of publication by the proprietor manager, or publisher.

(*e*) The newspeper shall be posted without a cover or in a short cover open at the ends.

(*f*) There shall be no word printed on the newspaper after its publication or upon the cover (if any) thereof, nor shall any writing or mark be made upon it or upon the cover (if any) thereof, except the name and address of the person to whom it is sent, and, if desired, the name and address of the newspaper, or of the sender.

(*g*) There shall be no paper or thing enclosed in or with any such newspaper other than an extra or supplement as specified in section 9 of the Act.

(2) Nothing in this rule shall be held to prevent newspapers being transmitted by post, either singly or otherwise, at the rates and under the conditions prescribed for booh packets.

(*e*) *Parcels.*

19. A parcel may contain one (but shall not contain more than one) written communication of the nature of a letter, or having the character of a personal communication:

Provided that the communication shall be addressed only to the addresee of the parcel itself.

20. A parcel shall not exceed 440 tolas in weight, unless it is registered, in which case the weight shall not exceed 25 seers (2,000 tolas). A parcel shall not be of a kind which, owing to size, shape, manner of packing, or any other cause, cannot be carried by post without serious inconvenience or risk.

21. A parcel shall be packed and enclosed in a reasonably strong case, wrapper, or cover, fastened in a manner calculated to preserve the contents from loss or damage in the post, to prevent any tampering therewith, and to protect other postal articles from being damaged in any way thereby.

(2) Liquids and substances which liquefy easily shall be despatched in a double receptacle. Between the first receptacle (bottle, flask, pot, box, etc.), and the second (which shall be a box of metal or of strong wood) some space shall be left to be filled with saw-dust, bran, or some other absorbing material.

(3) Live bees shall be enclosed in suitable cases and so packed as to prevent all risk of injury to other postal articles in course of transmission by post or to officers of the Post Office.

22. Human and other viscera may be transmitted by post to Chemical Examiners for analysis subject to the following conditions:—

(*a*) The suspected *viscus* or other material to be sent for examination shall be enclosed in a glass bottle or jar, fitted with a stopper or sound cork.

(*b*) Great care shall be taken that the stopper or cork of the bottle fits tightly. This precaution is specially necessary when alcohol is used as a preservative; in such cases a ring of bee's wax or candle-wax shall be placed round the lip of the bottle so as to cover the shoulder of the stopper. The stopper shall be carefully fastened down with bladder or leather and sealed.

(*c*) The glass bottle or jar shall then be placed in a strong wooden or tin box, which shall be large enough to allow of a layer of raw cotton, at least three-fourths of an inch thick, being placed between the bottle or jar and the box.

(d) The box itself shall be encased in cloth, which shall be securely closed and sealed. The seals shall be at intervals not exceeding three inches along each seam. All the seals shall be of the same kind of wax and shall bear distinct impressions of the same device. The device shall not be that of a current coin or merely a series of straight, curved or crossed lines.

23. Cultures or other articles known or believed to contain the living germs of plague may be transmitted by the inland post, subject to the following conditions:—

(a) Such cultures or other articles aforesaid shall not be accepted for transmission unless they are sent by a Commissioned Medical Officer, a Military Assistant Surgeon or a Medical Practitioner in possession of a qualification not lower than that of L. M. S. of the University of Calcutta, the Punjab, Madras or Bombay, or by a person specially permitted by the Governor-General in Council or a Local Government to send such cultures or other articles; nor unless they are consigned to a Government Laboratory, or to a person specially permitted by the Governor-General in Council, or a Local Government, to receive such cultures or other articles.

(b) The cultures or other articles aforesaid shall be securely packed in a hermetically closed tin of adequate strength which shall be placed in a strong outer box of wood or tin with a layer of at least three-quarters of an inch of raw cotton-wool between the inner and outer case.

(c) The outer case shall be enclosed in a stout cloth, which shall be securely fastened and sealed and labelled with such distinguishing inscription as will suffice to make immediately manifest the nature of the contents.

(d) The sender shall present the parcel at the post office accompanied by a declaration as to the nature of its contents, and a certificate signed by himself to the effect that he has advised the addressee of its despatch and that such addressee, if the parcel should not be addressed to a Government Laboratory, has been specially permitted by the Governor-General in Council, or a Local Government, to receive such cultures or other articles. The certificate, moreover, shall show on its face that the sender is a person, authorised within the meaning of clause (a) of this rule to send such cultures or other articles.

(2) No parcel other than those referred to in the above rule shall be accepted for transmission by post, when tendered at a post office within a plague-infected area, unless it bears upon its cover or upon a label to be attached to the parcel a declaration, signed by the sender of the parcel, to the following effect:—

"This parcel does not contain any soiled linen, rags or waste paper."

24. The postage on a parcel shall be fully prepaid, by means of postage stamps which shall be affixed either to the cover of the parcel or to an official label which can be obtained free at the post office. In either case, the sender or his messenger shall affix the stamps himself, postal officials being strictly forbidden to affix them.

25. Every parcel intended for transmission by post shall be presented at the window of the Post Office. Any parcel found in a latter-box shall be treated and charged as a registered parcel.

(2) If a parcel containing any of the articles mentioned in clauses (2) and (3) of rule 21 is not packed in the manner prescribed therein, it shall not be forwarded.

(f) *Re-direction of postal articles.*

26. A postal article re-directed to any place served by the Inland post by an officer of the Post Office or by an agent of the addressee after its delivery shall be transmitted by post free of charge in respect of such further transmission:

Provided that—

(a) in the case of an unregistered article re-directed by an agent of the addressee,—the article has not been opened and has been either returned to the postman or re-posted at the place of delivery; and

(b) in the case of a registered article re-directed by an agent of the addressee,—the article has not been opened and has been returned to the postman at the place of delivery with the receipt unsigned.

(2) Where a postal article is re-directed to any place under the first paragraph of this rule, the postmaster at such place may, if authorised by a general or special order in

this behalf issued by the Postmaster-General, require the addressee of the re-directed article to give, at the time of delivery, a receipt for such article.

27. A postal article re-posted after having been opened, or re-posted at any place other than the place at which it was delivered, shall be treated as a postal article posted for the first time, and charged with postage accordingly. A registered article of which delivery has been taken can be re-posted only under the conditions prescribed for the posting of registered articles for the first time, except that no fresh charge shall be made on account of postage if the article has not been opened.

II.—FOREIGN POSTAL ARTICLES.

28. The Director-General shall, from time to time, notify in the *Indian Postal Guide* the conditions in force for the transmission of postal articles by the Foreign post:

Provided that the rules relating to inland registered newspapers shall be deemed to apply in the case of newspapers sent to Ceylon.

29. Every postal parcel handed to the Post Office for transmission by the Foreign post shall be presented at the post office with a declaration, in such form as may be from time to time prescribed by the Director-General, containing a statement signed by the sender as to the nature of its contents and their value.

Treatment of postal articles from abroad bearing fictitious or previously used stamps.

30. Where a postal article has been received by post from any place beyond the limits of British India, bearing a fictitious or previously used postage stamp, and the addressee of such postal article has failed to attend, by himself or his agent, at the post office of delivery within the time specified in the notice sent to him in that behalf, or, having so attended, has refused to make known the name and address of the sender or to re-deliver the postal article or such portion thereof as may be required under section 27 of the Act, and, in consequence of such failure or refusal, the postal article has not been delivered to the addressee or his agent, the postal article shall be disposed of in the following manner:—

The officer in charge of the post office at which the postal article has been received for delivery, shall record a statement, in such form as the Director-General shall prescribe, setting forth the action taken by him under provisions of section 27 of the Act, and the fact of such failure or refusal as aforesaid on the part of the addressee or his agent; and shall forward the statement, together with the postal article, through the usual channel, to the Director-General.

The Director-General shall then, in due course, transmit the statement, together with the postal article, to the Postal Administration of the place beyond the limits of British India from which the article was received.

PART III.—REGISTRATION OF POSTAL ARTICLES.

I.—INLAND POSTAL ARTICLES.

31. Letters, postcards, book and pattern packets and parcels may be registered at any post office for transmission by post to any other post office.

32. In addition to the postage, a fee of two annas shall be charged for the registration of any postal article.

33. The prepayment of the postage and registration fees shall be compulsory in the case of all registered articles, and shall be made by means of postage stamps affixed to the articles.

34. Articles intended for registration shall be presented at the window of the post office.

35. A receipt shall be given to the person who presents an article for registration at the post office window during the hours prescribed for posting registered articles.

36. No registered article shall be delivered to the addressee unless and until he or his agent has signed a receipt for it in such form as the Director-General shall prescribe.

37. The sender of a registered article shall be entitled to obtain an acknowledgment of its delivery, signed by the addressee, by paying a fee of one anna, in addition to the postage and registration fee, at the time of posting the article. The fee for a special acknowledgment shall be paid by means of postage stamps affixed to the article.

38. The sender of a registered article may obtain an attested copy of the original receipt signed by the addressee on payment of a special fee of three annas, provided that he makes his application for it within six months of the date on which the addressee signed the original receipt.

39. Registration shall be obligatory in the case of—

(a) Any parcel exceeding 440 tolas in weight.

(b) Any insured parcel.

(c) Any parcel addressed to a place for which a customs declaration is required.

(d) Any article containing a currency note, or any portion of a currency note.

(e) any article containing postage or other stamps or labels or a cheque, hundi, bank-note, bank-post bill, bill of exchange, or the like,—if the contents are either superscribed upon the cover or are known or manifest to the officers of the Post Office owing to the transparency, insecurity, or insufficiency of the cover, or to any other cause.

(f) Any article bearing the word "registered" or any other word, phrase, or mark to the like effect.

(g) Any registered article which is re-posted after having been delivered.

Exception.—Nothing in this rule shall be held to render registration of a packet compulsory only by reason that it contains a stamped envelope, postcard, or wrapper as provided by the explanation to rule 10.

(2) Twice the fee for registration shall be levied on the delivery of any postal article required under this rule to be registered on which the fee for registration has not been prepaid.

II.—FOREIGN POSTAL ARTICLES.

40. Letters, postcards and packets may be registered at any post office for transmission to countries and places served by the foreign post, subject to such exceptions as the Director-General shall, from time to time, notify in the *Indian Postal Guide.*

41. In addition to the postage, a further fee of two annas shall be charged for the registration of any article to be sent by the foreign post.

42. The prepayment of the postage and registration fee on foreign registered articles shall be compulsory, and shall be made by means of postage stamps affixed to the articles.

43. Rules 34, 35 and 36, relating to the registration of inland postal articles, shall be equally applicable to registered articles sent or received by the foreign post.

44. The sender of a registered article addressed to any country belonging to the Universal Postal Union shall be entitled to obtain an acknowledgment of its delivery by paying a fee, in addition to the postage and registration fee, of one anna in the case of a registered article addressed to Ceylon or Portuguese India, and of two annas in the case of a registered article addressed to any other such country.

(2) When the sender of a registered article addressed to any country belonging to the Universal Postal Union has not paid the fee for an acknowledgment of its delivery and desires to have an enquiry made by the Post Office regarding the disposal of the article he shall be entitled to this service on payment of the same fee as that chargeable for an acknowledgment of delivery.

PART IV.—INSURANCE OF POSTAL ARTICLES.

I.—INLAND POSTAL ARTICLES.

45. Registered letters, value-payable registered letters and registered parcels may be insured up to the value of Rs. 500 at such branch post offices, and up to the value of Rs. 2,000 at such other post offices, as may be authorised by the Director-General to accept articles for insurance:

Provided that in no case such value exceed the real value of the contents of the article insured.

46. Insurance shall be of two kinds, complete and partial. Complete insurance shall cover all risks in course of transmission by post. Partial insurance shall cover all risks in course of transmission by post in British territory and all risks, except those arising out of highway robbery, in course of transmission by post in such Native State territory as may be specified in this behalf by the Director-General in the *Indian Postal Guide.*

47. In addition to the postage and the fee for registration, the following further fees shall be charged for insurance :—

		Anna.
Where the value insured does not exceed Rs. 50	...	1
For every additional Rs. 50 or fraction thereof ...	...	1

The further fees in the case of partially insured articles shall be charged at only half the above rates.

48. The prepayment of all charges on insured articles, namely, postage, registration fees and insurance fees, shall be compulsory. Payment in all cases shall be made by means of postage stamps affixed to the articles.

49. The cover of a letter intended for insurance shall be of strong paper or other substantial material, securely closed and sealed at intervals not exceeding two inches along each fold or seam. A parcel intended for insurance shall be securely packed and enclosed in an outer covering of cloth, canvas or other substantial material, sealed at intervals not exceeding three inches along each line of sewing or join. All the seals affixed to an insured article shall be of the same kind of wax and shall bear distinct impressions of the same device. The device shall not be that of a current coin or merely a series of straight, curved or crossed lines.

50. The minimum size for an insured parcel shall be 12 cubic inches.

51. An article intended for insurance shall be presented at the window of the post office with the amount for which the sender wishes it to be insured, clearly written, in words and figures, on the cover. The name and address of the sender shall also be written on the cover in the lower left-hand corner, or on a separate slip of paper, to be presented with the article, should there be no room for his name and address on the cover.

52. A receipt shall be given to the person who presents an article for insurance at the post office window during the hours prescribed for posting insured articles.

53. The sender of an insured article shall be entitled to obtain free of charge an acknowledgment of its delivery signed by the addressee.

54. There shall be payable to the sender of an insured postal article compensation not exceeding the amount for which the article has been insured, for the loss of the postal article or its contents or for any damage caused to it in course of transmission by post:

Provided that the compensation shall in no case exceed the value of the article lost or the amount of the damage caused, and provided that in the case of loss the sender shall furnish full particulars of the contents of the postal article and their value:

Provided, also, that no compensation shall be payable—

(*a*) where there has been misdelivery arising out of incorrectness or incompleteness of the address written by the sender;

(*b*) where there has been fraud on the part of the sender or addressee;

(*c*) where the insured article has been delivered to the addressee and he has signed and returned the receipt therefor;

(*d*) where the sender has not given intimation of the loss within three months from the date of posting;

(*e*) where the loss or damage was due to improper or insecure packing;

(*f*) where there is no visible damage to the cover or seals; or,

(*g*) in the case of partially insured articles, where the loss or damage was caused by highway robbery during the transit in respect of which the insurance is partial only.

55. Compensation shall be payable one month after the date on which intimation of loss is given by the sender to the Post Office, except in cases in which the Postmaster-General may consider that the circumstances demand the withholding of payment pending inquiry. When compensation has been paid for the loss of a postal article or its contents, the Post Office shall be entitled to retain, and dispose of, such postal article or its contents should they be subsequently recovered, and the compensation paid not be refunded on demand being made.

56. Coin, bullion, precious stones, jewellery and articles of gold or silver may be sent by post only in insured registered letters or insured parcels. If a letter or parcel presented at the post office window is found to contain any such object of value, it shall not be accepted for transmission by post, unless the sender insures it; and if an uninsured article manifestly containing any such object of value is found in course of transmission by post, it shall be either intercepted and returned to the sender or forwarded to destination and delivered to the addressee subject to the payment of a fee of one rupee. The payment of this fee shall not impose any liablity on the Government.

Explanation—In this rule the expression "articles of gold or silver" includes articles made wholly or partly of gold or silver, but not electro or other plated goods.

II.—FOREIGN PARCELS.

57. The Director-General shall, from time to time, notify in the *Indian Postal Guide* the countries and places for transmission to which foreign registered letters and foreign parcels may be insured, and the limit up to which such letters or parcels may be insured in each case:

Provided that in no case shall such value exceed the real value of the contents of the letter or parcel insured.

58. In addition to the postage and (in the case of letters) the registration fee, the following further fees shall be charged for insurance:—

(*a*) *For insurance to Ceylon and Portuguese India*—

	Annas.
Where the value insured does not exceed Rs. 100	2
For every additional Rs. 100 or fraction thereof	2

(*b*) *For insurance of letters and parcels to Mauritius, and of parcels to the British East Africa Protectorate, or Zanzibar*—

	Annas.
Where the value insured does not exceed Rs. 100	4
For every additional Rs. 100 or fraction thereof	4

(*c*) *For insurance to the United Kingdom and to British Possessions and foreign countries other than those mentioned above*—

	Annas.
Where the value insured does not exceed £5	3
For every additional £5 or fraction thereof	3

59. The prepayment of all charges on insured foreign registered letters and parcels shall be compulsory. Payment in all cases shall be made by means of postage stamps affixed to the letters or parcels. The stamps must be placed apart from one another, so that they may not serve to conceal injuries to the cover of the letter or parcel. No label of any kind shall be affixed by the sender to the cover of a letter intended for insurance.

60. The cover of a foreign letter intended for insurance shall be of strong paper or other substantial material, securely closed and sealed with fine wax in such a way that the letter cannot be opened without either breaking the seals or leaving obvious traces of violation. The seals shall be placed along each fold or seam of the cover at intervals not exceeding two inches, and if the letter is tied round with string or tape, a seal shall be placed on the ends where they are tied. An insured foreign letter shall not be closed in a cover having black or coloured borders.

(2) A foreign parcel intended for insurance shall be packed securely and substantially, with due regard to the nature of the contents and the length of the journey, in an outer covering of cloth, canvas or other substantial material, and shall bear seals of wax or lead at intervals not exceeding three inches along each line of sewing or join.

(3) All the seals affixed to an insured foreign letter or parcel shall be of the same kind of wax or lead and shall bear distinct impressions of the same private device. The device shall not be that of a current coin or merely a series of straight, curved or crossed lines.

61. A foreign letter or parcel intended for insurance shall be presented at the window of the post office with the amount for which the sender wishes it to be insured, clearly written, in words and figures, without erasure or correction on the cover and accompanied by such form or forms duly filled up as may be prescribed by the Director-General

from time to time, in the *Indian Postal Guide*. The name and address of the addresee of a foreign letter or parcel intended for insurance shall be written in ink on the actual cover of the article.

62. A receipt shall be given to the person who presents a foreign letter or parcel for insurance at the window of the post office during the hours prescribed for posting insured foreign articles.

63. There shall be payable to the sender, or, in default or at the request of the sender, to the addresee of a foreign letter or parcel which has been insured by the post office of India and posted in India, compensation not exceeding the amount for which the article has been insured, for the loss of the article or its contents or for any damage caused to it in course of transmission by post ; and the sender shall, in case of loss, also be entitled to a refund of the expenses of transmission as well as of any fee that he may have paid for an enquiry as to the disposal of the article, but in no case to a refund of the insurance fee paid.

Provided that the compensation shall in no case exceed the value of the article lost or the amount of the damage caused :

Provided, also, that no compensation shall be payable—

(*a*) where the loss or damage has been caused by the fault or negligence of the sender, or arises from the nature of the article ;

(*b*) where the insurance has been fraudulently made for a sum above the real value of the contents, or there has been any other fraud on the part of the sender or addressee ;

(*c*) where the insured article has been delivered to the addressee and he has signed and returned the receipt therefor :

(*d*) where the sender or addressee has not given intimation of the loss or damage within twelve months from the date of posting ;

(*e*) where the loss or damage was due to improper or insecure packing ;

(*f*) where there is no visible damage to the cover or seals ; or

(*g*) in cases beyond control (*e.g.*, tempest, shipwreck, earthquake, war, etc.).

(2) The Secretary of State for India in Council accepts no liability either to the sender or the addressee for any loss or damage in respect of any foreign letter or parcel which was not posted in India and insured by the post office of India.

64. Where a foreign parcel contains coin, bullion, precious stones, jewellery, or articles of gold or silver, it shall not be accepted for transmission by post unless the sender wishes to insure it. If a foreign parcel containing any such object of value is addressed to a country or place to which insurance is not available, the parcel shall be insured for its inland transit within the limits of British India, and in such cases the fee charged for insurance shall be calculated as follows :—

(*a*) *When the value is expressed in rupee currency—*

	Anna.
Where the value insured does not exceed Rs. 50	1
For every additional Rs. 50 or fraction thereof	1

(*b*) *When the value is expressed in sterling—*

	Anna.
Where the value insured does not exceed £3	1
For every additional £3 or fraction thereof	1

(2) If an uninsured foreign parcel, declared to contain or manifestly containing any of the objects of value specified above, is received from a country with which, as notified by the Director-General in the *Indian Postal Guide*, insured parcels can be exchanged, the parcel shall either be intercepted and returned to the sender or forwarded to destination and delivered to the addressee, subject to the payment of a fee of one rupee. The payment of this fee shall not impose any liability on the Secretary of State for India in Council.

Explanation.—In this rule the expression "articles of gold or silver" includes articles made wholly or partly of gold or silver, but not electro or other plated goods.

65. Where an insured foreign letter which has been re-directed or an insured foreign parcel which has been re-directed or returned as undeliverable, is received in India subject to a fresh insurance fee by reason of its having been so re-directed or returned, such fee shall be recoverable on delivery as if it were postage due under the Act.

PART V.—VALUE-PAYABLE POST.

I.—VALUE-PAYABLE POSTAL ARTICLES.

66. Registered and unregistered parcels, registered letters, registered book packets, newspapers prepaid at newspaper rates of postage and fully prepaid unregistered book packets, may be transmitted by the inland post as value-payable postal articles, provided that the amount specified for remittance to the sender in the case of any such postal article shall not exceed Rs. 1,000, and shall not contain a fraction of an anna except in the case of postal articles sent by, or addressed to, any department of the Government or a district, local or municipal board, and provided that such parcels, letters and packets do not contain coupons, tickets certificates or introductions designed for the sale of goods on what is known as the "snowball system".

Explanation.—The words "any Department of the Government" include any official department of the Government of a Native State the posts of which have been amalgamated with the Imperial post.

67. Postal articles as aforesaid, with the exceptions noted below, may be transmitted by post to Ceylon, Portuguese India and the Somaliland Protectorate as value-payable postal articles, provided that the amount specified for remittance to the sender in respect of any such postal article shall not exceed Rs. 600 and shall not contain a fraction of an anna, and provided that such parcels, letters and packets do not contain coupons, tickets, certificates or introductions designed for the sale of goods on what is known as the "snowball system."

Exceptions.

Ceylon.—Unregistered parcels.

Portuguese India and the Somaliland Protectorate.—Unregistered parcels, unregistered book packets, and newspapers prepaid at the newspaper rates of postage.

68. No such postal article as aforesaid shall be accepted at any post office for transmission by post as a value-payable postal article unless the sender declares that it is sent in execution of a *bonâ fide* order received by him. At any post office notified from time to time in this behalf by the Director-General of the Post Office, the sender shall, in addition, be required to declare that the article is one the transmission of which by post as a value-payable postal article is permitted. No postal article as aforesaid shall be accepted at these offices without such further declaration.

Explanation.—An article may be sent by the value-payable post even though it possesses no intrinsic value. Thus, legal documents, bonds, policies of insurance, promissory notes, railway goods and parcel receipts, bills of lading or ordinary bills for collection may be sent as value-payable postal articles. In the case of a railway receipt or bill of lading sent as a value-payable postal article, it will be sufficient for the purposes of this rule if the article to which the railway receipt or bill of lading relates, has been sent in execution of a *bonâ fide* order. In the case of the other documents specified the document must be sent in execution of a *bonâ fide* order to send the document itself.

69. Every postal article intended to be transmitted by post as a value-payable postal article shall be presented at the post office with a printed form, prescribed by the Director-General and obtainable at the post office, in which the sender shall specify the sum to be remitted to himself, fill in the required entries, and sign the declaration required by rule 68. If the article is an unregistered parcel, unregistered book packet, or newspaper prepaid at newspaper rates of postage, a fee calculated according to the schedule below on the amount specified for remittance to the sender shall be prepaid by the sender by affixing postage stamps of the value of the fee to the article itself. The sender of a postal article intended to be transmitted by post as value-payable shall write clearly on the face of the article itself—

(*a*) in the upper left-hand corner—the letters "V. P.," followed by an entry, *in figures and words*, of the amount for remittance to himself, and

(*b*) in the lower left hand corner—his own name and full address.

Schedule of fees.

Amount specified for remittance to sender	not exceeding Rs. 5 ...	1 anna.
	exceeding Rs. 5, but not exceeding Rs. 10 ...	2 annas.
	exceeding Rs. 10, but not exceeding Rs. 15 ...	3 "
	exceeding Rs. 15, but not exceeding Rs. 25 ...	4 "
	exceeding Rs. 25 ...	4 annas for each complete sum of Rs. 25 and 4 annas for the remainder, provided that if the remainder does not exceed Rs. 5, the charge for it shall be only one anna; if it does not exceed Rs. 10, the charge for it shall be only 2 annas, and if it does not exceed Rs. 15, the charge for it shall be only 3 annas.

70. The amount to be recovered from the addressee shall be the sum specified by the sender for remittance to himself *plus*, in the case of registered parcels, registered letters and registered book packets, a fee calculated as in rule 69. When this amount is recovered from the addressee, the sum for payment to the sender shall be remitted to him by means of a money order. If the addressee of a value-payable article refuses or omits to take delivery of it, the article shall be returned to the sender, who will be required to pay any charges that may be due on it, and to acknowledge receipt of the article by signing the form presented by the postman. In no circumstances will the fee prepaid in stamps, in the case of a value-payable unregistered parcel, unregistered book packet, or newspaper be refunded.

71. The Government shall not incur any liability in respect of the sum specified for remittance to the sender in respect of a value-payable postal article unless and until that sum has been received from the addressee.

II.—TRANSMISSION BY POST OF RAILWAY RECEIPT-NOTES OPEN AS VALUE-PAYABLE ARTICLES.

72. A railway receipt-note for goods may be transmitted by post open as a value-payable postal article.

Provided that—

(*a*) the goods to which the railway receipt-note relates do not exceed Rs. 1,000 in value; and

(*b*) the railway receipt-note shows on its face that the goods to which it relates have been consigned to the sender himself, is endorsed to the person to whom the goods are to be delivered, and is signed by the sender.

73. The open railway receipt-note shall be presented at the post office with the printed form prescribed by the Director-General for registered value-payable postal articles, in which the sender shall specify the sum to be remitted to himself, fill in the required entries and sign the declaration that the article is sent in execution of a *bonâ fide* order received by him.

74. A fee of two annas shall be paid on each railway receipt-note presented for transmission by post open. The fee shall be paid in postage stamps, which shall be affixed by the sender to the receipt-note.

75. The post office will transmit the open railway receipt-note to the post office of destination, and will deliver it on payment of the amount recoverable to the person to whom it has been endorsed by the sender, in such manner as the Director-General may from time to time appoint for the delivery of registered value-payable postal articles.

76. The amount when recovered will be remitted to the sender in accordance with the rules for the time being in force relating to registered value-payable postal articles.

77. A railway receipt-note for goods may be transmitted by post open under the foregoing rules, without compliance with the conditions laid down in the second proviso to rule 72, if it—

(*a*) relates to goods sent between stations on such railways as are for the time being specified in this behalf by the Director-General in the *Indian Postal Guide*; or

(*b*) shows on its face that the goods so sent have been declared at the booking office as being sent under the value-payable system.

78. These rules apply also to receipt-notes for goods conveyed by steamer within the limits of British India.

79. Nothing in these rules shall be construed to prevent the transmission by post of receipt-notes under the rules for the time being in force relating to the value-payable post generally.

PART VI.—MONEY ORDERS.

I.—INLAND MONEY ORDERS.

(a) *Ordinary inland money orders.*

80. The amount for which a single money order may be issued shall not exceed Rs. 600, and shall not include a fraction of an anna, except in the case of money orders issued by, or in favour of, any department of the Government, or by, or in favour of, a District, Local, or Municipal Board.

Explanation.—The words "any Department of the Government" include any official department of the Government of a Native State the posts of which have been amalgamated with the Imperial post.

81. Money orders may be issued on the following Native States with which special arrangements have been made for the exchange of money orders, but the amount for which a single money order may be issued on these States shall not exceed Rs. 600:—

Chamba.	Jhind.
Gwalior.	Nabha.

Patiala.

Explanation.—The exception in the last preceding rule applies also to money-orders issued by, or in favour of, any official department of any of these States.

82. A commission on the issue of inland money orders shall be charged at the following rates, namely:—

On any sum not exceeding Rs. 5 ...	1 anna.
On any sum exceeding Rs. 5, but not exceeding Rs. 10	2 annas.
On any sum exceeding Rs. 10, but not exceeding Rs. 15	3 annas.
On any sum exceeding Rs. 15, but not exceeding Rs. 25	4 annas.
On any sum exceeding Rs. 25 ...	4 annas for each complete sum of Rs. 25 and 4 annas for the remainder, provided that, if the remainder does not exceed Rs. 5 the charge for it shall be only 1 anna; if it does not exceed Rs. 10, the charge for it shall be only 2 annas; and if it does not exceed Rs. 15, the charge for it shall be only 3 annas.

83. The Director-General may, at any time, suspend the issue of money orders upon any particular post office, or group of post offices, or direct that money orders shall not be so issued except on payment of special rates of commission higher than those prescribed by rule 82.

84. The remitter of a money order shall fill in, in ink, on a money order form prescribed by the Director-General such particulars as the Director-General may require. Such particulars may be written in English or in the vernacular of the district.

85. The money order form duly filled in, together with the amount of the money order and commission, may be presented at the post office during the hours prescribed by the Director-General for money order business.

86. A receipt shall be given to the remitter for the amount paid by him on account of the money order and commission.

87. The remitter of a money order shall be entitled to obtain, free of charge, an acknowledgment of the payment of the amount of the order signed by the payee.

88. The payment of a money order shall ordinarily be made at the address of the payee on his signing the money order and acknowledgment.

89. The money order and acknowledgment shall be signed by the payee named by the remitter, or by some person authorised in writing by the payee in this behalf. The signature shall be written in ink in the space provided for the purpose.

90. If the remitter or payee of a money order is illiterate, his mark shall be obtained and shall be verified in such manner as the Director-General may direct.

91. A money order shall be re-directed to the payee on his written request free of charge.

92. The remitter of a money order which has not been paid, may require that the address of the payee shall be altered or that the name of the post office, at which the order was originally made payable, shall be changed. The required change shall be made with out additional charge on the remitter's applying in writing to the post office at which the order was issued.

93. The remitter of a money order which has not been paid may require that the amount be paid to some person other than the payee named in the order. The required change shall be made, on payment of a second commission equal to the first, on the remitter's applying in writing to the post office at which the order was issued.

94. The remitter of a money order which has not been paid may stop payment and require that the money be re-paid to himself. This shall be done without additional charge on the remitter's applying in writing to the post office at which the money order was issued, and producing the receipt and giving full particulars of the payee's address as entered in the money order. In no case, however, shall the post office be responsible for inability or failure to stop payment of a money order in compliance with the remitter's request.

95. If the payee of a money order cannot be found, or if the payee refuses to take payment, the amount of the order shall be returned at once to the remitter free of charge. The commission shall in no case be refunded.

96. If payment of a money order to the payee cannot be effected and the amount cannot be re-paid to the remitter owing to the latter not being found, the order shall be void and its value credited to the Government. But, if the payee or remitter subsequently applies for payment, the amount of the order shall be paid to him on a fresh money order issued by the Comptroller, post office, provided that application is made before the expiration of one year from the date of issue of the original order.

(*b*) *Telegraphic inland money orders.*

97. The amount for which a single telegraphic money order may be issued shall not exceed Rs. 600, and shall not include any sum less than a rupee, and, if the amount exceeds Rs. 150, the telegraphic money order shall not be for a sum which is not a multiple of Rs. 10.

98. The following fees (which include the cost of the telegram) shall be charged for the issue of telegraphic money orders :—

(*a*) *For sums not exceeding Rs.* 25 :—

	Rs.	a.	p.	
For the first Rs. 10	1	2	0	If advice sent "Urgent."
	0	10	0	If advice sent "Deferred."
For the balance—				
If it does not exceed Rs. 5	0	1	0	
If it exceeds Rs. 5	0	2	0	

(*b*) *For sums exceeding Rs.* 25, *but not exceeding Rs.* 150 :—

	Rs. a. p.	
For the first Rs. 25	1 4 0	If advice sent "Urgent."
	0 12 0	If advice sent "Deferred."
For each complete sum of Rs. 25 additional ...	0 4 0	
For sums less than Rs. 25 additional :—		
If the sum does not exceed Rs. 5	0 1 0	
" " " " 10	0 2 0	
" " " " 15	0 3 0	
If the sum exceeds Rs. 15	0 4 0	

(*c*) *For sums exceeding Rs.* 150 *up to Rs.* 600 :—

	Rs. a. p.	
For the first Rs. 150	2 8 0	If advice sent "Urgent."
	2 0 0	If advice sent "Deferred."
For each complete sum of Rs. 50 additional ...	0 8 0	
For sums less than Rs. 50 additional :—		

	Rs. a. p.
If the sum is Rs. 10	0 2 0
" " " 20	0 4 0
" " " 30	0 5 0
" " " 40	0 7 0

99. The Director-General may, at any time, suspend the issue of telegraphic money orders upon any post office, or group of post offices, or direct that telegraphic money orders shall not be so issued except on payment of special fees higher than those prescribed by rule 98.

100. The remitter of a telegraphic money order shall fill in, in ink, on a money order form prescribed by the Director-General, such particulars as the Director-General may require.

101. The money order form duly filled in, together with the amount of the telegraphic money order and fees, may be presented at the post office during the hours prescribed by the Director-General for telegraphic money order business.

102. A receipt shall be given to the remitter, showing the total amount paid by him, the payee's name and the hour at which the telegraphic money order was presented.

103. The remitter of a telegraphic money order shall be entitled to obtain free of charge, by post, an acknowledgment of the payment of the amount of the order signed by the payee.

104. The payment of a telegraphic money order shall ordinarily be made as soon as practicable after receipt of the telegraphic advice by the office of payment, at the residence of the payee on his signing a receipt for the amount paid and the acknowledgment.

105. The receipt and acknowledgment shall be signed by the payee named by the remitter, or by some person authorised in writing by the payee in this behalf. The signature shall be written in ink in the space provided for the purpose.

106. If the remitter or payee of a telegraphic money order is illiterate, his mark shall be obtained and shall be verified in such manner as the Director-General may direct.

107. A telegraphic money order shall be redirected to the payee by post, free of charge, on his written request.

108. The remitter of a telegraphic money order which has not been paid may require that the address of the payee shall be altered or that the name of the office, at which the order was originally made payable, shall be changed. The required alteration shall be made in the ordinary course of post, without additional charge, on the remitter's applying in writing to the post office at which the money order was issued.

109. The remitter of a telegraphic money order which has not been paid may require that the amount be paid to some person other than the payee named in the order. The required change shall be made in the ordinary course of post, on payment of the commission chargeable on an ordinary money order for the same amount, on the remitter's applying in writing to the post office at which the order was issued, and presenting the receipt granted for the original order.

110. The remitter of a telegraphic money order which has not been paid may stop payment and require that the money be re-paid to himself. This shall be done on the remitter's applying in writing to the post office at which the money order was issued, producing the receipt and giving full particulars of the payee's address as entered in the money order. Payment may be stopped by telegram, the remitter paying the necessary charges at the ordinary rates for it. In no case, however, shall the post office be responsible for inability or failure to stop payment of a money order in compliance with the remitter's request.

111. If the payee of a telegraphic money order cannot be found, or should the payee refuse to take payment, a reference will be made to the office of issue, and the telegraphic money order, if still undeliverable, will then be re-issued by telegraph, free of any further charge, for repayment to the remitter. The fees shall in no case be refunded.

112. If payment of a telegraphic money order to the payee cannot be effected and the amount cannot be repaid to the remitter owing to the latter not being found, the order shall be void and its value credited to the Government. But, if the payee or remitter subsequently applies for payment, the amount of the void order shall be paid to him on a fresh money order issued by the Comptroller, post office, provided that application is made before the expiration of one year from the date of issue of the original order.

II.—FOREIGN MONEY ORDERS.

(a) *Foreign money orders.*

113. Foreign money orders shall be of two kinds, namely:—

(a) Money orders expressed in rupee currency; and

(b) Money orders expressed in sterling.

(2) The Director-General shall, from time to time, notify in the *Indian Postal Guide* the countries and places with which money orders of each kind may be exchanged.

114. The amount for which a single foreign rupee money order may be issued shall not exceed Rs. 600, and shall not include any fraction of an anna.

(2) The amount for which a single foreign sterling money order may be issued shall not exceed £10, except in the cases specially notified by the Director-General in the *Indian Postal Guide*. No such money order shall include any fraction of a penny.

(3) The amount of a foreign sterling money order shall be paid to the post office in rupee currency at such rate of exchange as the Director-General shall, from time to time, direct.

115. In the case of foreign rupee money orders, the rates of commission shall be the same as those for the time being charged on inland money orders.

(2) In the case of foreign sterling money orders, the rates of commission shall be the following, namely :—

	Rs. a.
On any sum not exceeding £1	0 3
" " exceeding £1 but not exceeding £2 ...	0 5
" " " £2 " " £3 ...	0 8
" " " £3 " " £4 ...	0 10
" " " £4 " " £5 ...	0 12
On any sum exceeding £5	0 12 annas for each complete sum of £5 and 12 annas for the remainder, provided that if the remainder does not exceed £1, the charge for it shall be 3 annas; if it does not exceed £2, the charge for it shall be 5 annas; if it does not exceed £3, the charge for it shall be 8 annas, and if it does not exceed £4, the charge for it shall be 10 annas.

(3) When foreign sterling money orders have to be remitted through the agency of the British Post Office as notified by the Director-General in the *Indian Postal Guide*, a further reduction will be made by the British Post Office from the amount payable to the payees at the following rates, namely:—

For sums not exceeding £2	3*d*.
" " exceeding £2, but not exceeding £6	6*d*.
" " " £6 " " " £10	9*d*.

116. The Director-General may at any time direct that foreign sterling money orders shall not be issued from the Aden Post Office or from any of the post offices established by the Governor-General in Council at any of the marginally-named places * beyond the limits of British India, except on payment of special rates of commission higher than those prescribed by rule 115 (2).

* Bagdad.
Bahrein.
Bandar-Abas.
Bushire.
Busrah.
Guadur.
Jask.
Linga.
Mohammerah.
Muscat.

117. The remitter of a foreign rupee money order shall be entitled to receive free of charge an acknowledgment of the payment of the amount of the order signed by the payee, except in the cases specially notified by the Director-General in the *Indian Postal Guide*.

(2) The remitter of a foreign sterling money order from any post office (except that at Aden) shall, unless the money order is one for which an advice of payment as provided for in sub-rule (3) can be had, be entitled to receive free of charge an intimation from the Indian post office of exchange (at Bombay or Madars, as the case may be) that the money order has been communicated to the country of payment.

(3) The remitter of a foreign sterling money order to any of the countries or places specially notified in that behalf by the Director-General from time to time in the *Indian Postal Guide*, shall be entitled to receive an advice of its payment from the foreign post office of payment by paying a fee of two annas in addition to the commission chargeable on the money order.

(4) When the remitter of a foreign sterling money order has not paid the fee for an advice of payment and desires to have an enquiry made by the post office regarding the disposal of the money order, he shall be entitled to this service on payment of the same fee as that chargeable for an advice of payment.

118. In the case of a foreign sterling money order the remitter may, by application in writing accompanied by the money order receipt, require the Indian Post Office of exchange (at Bombay, Madras or Aden, as the case may be) to request the country of payment to alter the address of the payee in the money order, or to pay the amount thereof to some person other than the payee named in the order, or to stop payment of the order. The office of exchange will communicate the result of the reference without charge to the remitter, and, if payment is stopped, the amount of the order shall be refunded to the remitter, but the commission shall not be refunded.

(2) In the case of a foreign rupee money order the remitter may require similar services in accordance with rules 92, 93 and 94, relating to inland money orders.

119. Rules 83, 84, 85, 86, and 90, relating to inland money orders, shall be equally applicable to the issue of foreign money orders.

120. Foreign sterling money orders received for payment in India shall be paid as if they were inland money orders, the amount in sterling of the original money order being converted into rupee currency by the Indian Post Office of exchange (at Bombay, Madras or Aden, as the case may be) at such rate of exchange as the Director General may, from time to time, direct.

121. The payment of a foreign money order shall ordinarily be made at the address of the payee. It shall be made on his signing the order and acknowledgment (except when otherwise provided by the Director-General) in the case of a foreign rupee money order, and on his signing the order in the case of a foreign sterling money order.

122. Under no circumstances can a foreign money order, whether a rupee money order or sterling money order, be paid after the expiration of one year from the date of its receipt in India.

123. Rules 89, 90, 91, and 95, relating to inland money orders, shall be equally applicable to the payment of foreign money orders.

(*b*) *Indo-Ceylon telegraphic money orders.*

124. The amount for which a single Indo-Ceylon telegraphic money order may be issued in India shall not exceed Rs. 600, and shall not include any sum less than a rupee, and, if the amount exceeds Rs. 150, the telegraphic money order shall not be for a sum which is not a multiple of Rs. 10.

125. The following fees (including the cost of the telegram) shall be charged on Indo-Ceylon telegraphic money orders issued in India, namely:—

(*a*) *For sums not exceeding Rs. 25.*

	Rs.	A.	P.
For the first Rs. 10	1	6	0
For the balance { if it does not exceed Rs. 5	0	1	0
For the balance { if it exceeds Rs. 5	0	2	0

(*b*) *For sums exceeding Rs. 25, but not exceeding Rs. 150.*

	Rs.	A.	P.
For the first Rs. 25	1	8	0
For each complete sum of Rs. 25 additional	0	4	0
For sums less than Rs. 25 additional—			
If the sum does not exceed Rs. 5	0	1	0
" " " " 10	0	2	0
" " " " 15	0	3	0
If the sum exceeds Rs. 15	0	4	0

(*c*) *For sums exceeding Rs. 150 up to Rs. 600.*

	Rs.	A.	P.
For the first Rs. 150	2	12	0
For each complete sum of Rs. 50 additional	0	8	0
For sums less than Rs. 50 additional—			
If the sum is Rs. 10	0	2	0
" " " 20	0	4	0
" " " 30	0	5	0
" " " 40	0	7	0

126. Rules 99, 100, 101, 102 and 106, relating to telegraphic inland money orders shall be equally applicable to the issue of the Indo-Ceylon telegraphic money orders.

127. The payment in India of an Indo-Ceylon telegraphic money order shall ordinarily be made, as soon as practicable after the receipt of the telegraphic advice, at the address of the payee on his signing a receipt for the amount paid.

128. If the payment of an Indo-Ceylon telegraphic money order cannot be made by the post office in India to which it was addressed, the money order shall be re-issued by telegraph, free of any further charge, for repayment to the remitter.

129. Rules 105 and 106, relating to telegraphic inland money orders, shall, as far as may be, apply to the payment in India of Indo-Ceylon telegraphic money orders.

(c) *Foreign money orders telegraphed to offices of exchange.*

130. The remitter of a foreign money order drawn on any country except Ceylon, with which money orders are exchanged may have the particulars of the money order telegraphed to the Indian office of exchange concerned, and that office shall, on receipt of the telegraphic advice, issue by post a money order on the country of payment under the rules relating to foreign money orders.

131. The fees, the limits of value, and the other conditions laid down in the rules relating to inland telegraphic money orders shall apply in the case of foreign *rupee* money orders telegraphed to offices of exchange.

132. The amount for which a single foreign *sterling* money order may be telegraphed to the office of exchange, shall not exceed £40, and shall not include any broken sum less than £1.

133. The following fees (which include the cost of the telegram) shall be charged for the issue of foreign *sterling* money orders telegraphed to offices of exchange :—

(a) *For sums not exceeding £5.*

		Rs.	A.	P.	
For the first £1	... ...	1	3	0	If advice sent "Urgent."
	... ...	0	11	0	If advice sent "Deferred."
For the balance	if it is £1	0	2	0	
	" " £2	0	5	0	
	" " £3	0	7	0	
	" " £4	0	9	0	

(b) *For sums exceeding £5 up to £40.*

		Rs.	A.	P.	
For the first £5	... ...	1	12	0	If advice sent "Urgent."
	... ...	1	4	0	If advice sent "Deferred."
For each complete sum of £5 additional		0	12	0	
For sums less than £5 additional—					
If the sum is £1		0	3	0	
" " " £2		0	5	0	
" " " £3		0	8	0	
" " " £4		0	10	0	

134. Rules 99, 100, 101, 102 and 106, relating to telegraphic inland money orders, shall be equally applicable to foreign *sterling* money orders telegraphed to offices of exchange.

PART VII.—OFFICIAL POSTAL ARTICLES.

I.—INLAND OFFICIAL POSTAL ARTICLES.

135. Official postal articles shall be transmitted by post under the following conditions :—

(a) The conditions as to rates of postage, size, shape, manner of packing and contents hereinbefore prescribed for the different classes of unofficial postal articles and the rules under which such articles may be registered, insured, or sent value-payable shall be applicable also to official postal articles of the same classes.

(*b*) The weight of an official postal article whether a letter, packet, or parcel shall not exceed 600 tolas.

(*c*) Official postal articles, whether the postage is prepaid or not, shall bear the superscription "On His Majesty's Service," and this shall be supported by the signature and official designation—to be entered in the lower left-hand corner of the article—of the officer who sends the article, or of the Head Clerk or Superintendent of his office or other responsible officer to whom the duty of despatching is confided.

NOTE.—Inland rates of postage and conditions shall be applicable also to official letters, postcards, newspapers, and book, pattern, and sample packets, when posted in British India and addressed to any of the places named in the margin for which post offices have been established by the Governor-General in Council beyond the limits of British India or posted at any of the post offices established by the Governor-General in Council at those places and addressed to any other of those places or to any place in British India.

Bagdad. Bushire.
Bandar-Abas. Jask.
Busrah. Linga.
Mohammerah.

Explanation 1.—Service postcards bear the inscription 'On H. M. S.' printed immediately above the impressed stamp. In their case, therefore, no further superscription shall be required.

Explanation 2.—Postmasters may recognise abbreviated designations, provided they are generally known; but no official can claim the recognition of an abbreviation the rule being that the designation shall be entered in full.

Explanation 3.—Postmasters may recognise *facsimile* impressions of signatures made by means of stamps, but not such impressions when lithographed or otherwise produced. Public officers who use such stamps, shall make arrangements for their proper custody and use; and where there is any reason to suspect the misuse of any such stamp or the absence of proper precautions against its misuse, postmasters may decline to recognise the stamp impression and require strict adherence to the rule. Printed names shall not be recognised in lieu of signatures except in the case of official Gazettes in open covers posted in large numbers by the office of publication.

(*d*) Service stamps affixed to an article which does not bear the prescribed superscriptions supported by the signature and official designation of the sender shall not be recognised by the Post Office in payment of postage.

(*e*) The delivery and redirection of articles superscribed "On His Majesty's Service" shall be governed by the official designation (when given) of the addressee.

136. The postage chargeable on the delivery of official postal articles, when the postage is not prepaid or is insufficiently prepaid, shall be as follows :—

On an unpaid letter or packet	... ...	The prepaid rate.
On an insufficiently paid letter or packet	...	The deficiency.

In cases where it is not thought advisable to entrust postage stamps to a subordinate official who has to correspond with, or to send returns to, a superior, he may be allowed by his superior to post to him official articles other than parcels without prepaying the postage, and the same course may be adopted in other cases where it is found convenient or proper to make the postage charge fall on the receiving office.

NOTE.—The prepayment of postage on parcels is compulsory.

137. The following persons shall be entitled to send official postal articles on His Majesty's Service, subject to the conditions noted against each :—

(*a*) All Government officials, except those who are on leave or have retired from the service, provided that the articles posted by them are *bona fide* and exclusively on His Majesty's Service.

(*b*) The Registrars of the Universities of Calcutta, Madras, Bombay, Allahabad and the Punjab, and of the Educational Syndicate, Burma, provided that the articles posted by them relate solely to the public business of the Universities.

(*c*) The Astronomer in charge of the G. V. Jaggarao Observatory, Vizagapatam, provided that the articles posted by him relate solely to business of the Observatory.

138. Correspondence sent by an officer of a local authority, or by any officer of the Government acting in a capacity connected with a local authority, such as the President or Secretary of a Local Fund Committee, shall not be deemed official correspondence within the meaning of these rules and may not be superscribed as on His Majesty's Ser-

vice. But nothing in this rule shall be held to prevent the transmission on His Majesty's Service of correspondence sent by an officer of the Government acting as such, although the correspondence may relate to the affairs of a local authority.

Illustration.—The Commissioner of a division, writing in that capacity to the Secretary of a Local Fund Committee concerning its affairs, may superscribe the letter on His Majesty's Service.

139. The postage and other charges (if any) on an official postal article can be properly prepaid only by a proper service stamp or stamps. Where, however, an ordinary postage stamp instead of a service stamp is used on an official postal article, the article shall be recognised as an official postal article by the Post Office; but the irregularity shall be brought by the officer in charge of the post office at which the article was so posted, to the notice of the officer concerned and, if of frequent occurrence, to that of the Postmaster-General.

NOTE.—Service stamps, envelopes and postcards shall not be sold at post offices, but shall be obtainable by Government officials at Government Treasuries.

140. Letters, postcards and packets posted by officers of the Government in their official capacity, addressed to private individuals or associations, shall, even when they relate to the private interests and concerns of the individuals or associations addressed, be sent as official postal articles, prepaid by means of service stamps.

Exception.—Nothing in this sub-rule shall affect the practice of the Law Courts in regard to the despatch of "certified copies" to persons who do not appear to take them personally, and of documents filed in judicial cases the return of which has been applied for. Such documents may be posted by judicial officers in covers superscribed "Service unpaid" and covers so superscribed shall be charged, on delivery, with postage at the rates to which they would have been liable if the postage had been prepaid. All articles so posted shall be endorsed under the full signature and official designation of the sender, according to the specimen form given on the margin.

Service unpaid.
A. B.
Calcutta.
C. D.
Commissioner,
Gorakhpur.

(2) Letters, postcards, and packets, sent by private persons to officers of the Government relating to the affairs of the Government, if superscribed "Service Unpaid" shall be charged, on delivery, with postage at the rates to which they would have been liable if the postage had been prepaid, and not at double rates as in the case of ordinary articles: Provided that any article so sent is addressed to the full official designation of the officer for whom it is intended, and that it has been endorsed under the full signature of the sender according to the specimen form given on the margin.

Service unpaid.
To
The District Superintendent of Police,
Lucknow.
Signature of sender.

NOTE.—The prepayment of postage on parcels is compulsory.

Explanation.—Under the provisions of this rule may be sent reports regarding the occurrence of crime from a zamindar to a police officer, returns required to be sent from employers of labourers to the Protector and any similar reports or returns authorised to be so sent.

141. The amount of postage marked as due on postal articles delivered under the superscriptions of "Service Unpaid" or "On His Majesty's Service" shall be initialled by the postmaster, or other officer, authorised in this behalf by the Postmaster-General, of the office of delivery. Officers of the Government shall be bound to receive, and to pay any postage which may be due on, articles addressed to them under the superscription "On His Majesty's Service" and bearing the signature in full of the sender.

II.—FOREIGN OFFICIAL CORRESPONDENCE.

142. Official correspondence transmitted by the foreign post, with the exception of correspondence exchanged with Ceylon, shall be subject to the same rates and be governed by the same rules as ordinary private correspondence. Service stamps may be used on official correspondence addressed to the United Kingdom or British possessions only. If service stamps are used for the prepayment of postage, they shall be supported by the superscription and signature prescribed by clause (*c*) of rule 135 relating to inland official postal articles.

143. The amount of postage marked as due on postal articles received by the foreign post for delivery to officers of the Government shall be initialled by the postmaster, or other officer, authorised in this behalf by the Postmaster-General, of the office of delivery,

144. In the case of official letters (not newspapers or other articles) sent by British Packet to or from the public functionaries, departments, etc., in London having special accounts for foreign letter postage with the London Post Office, the prepayment of postage is not necessary if such letters are superscribed as "On His Majesty's Service," under the full signature and official designation of the sender; but when such letters are presented for registration, the registration fee shall always be prepaid by means of service stamps affixed to the article in the ordinary way.

PART VIII.—GENERAL RULES.

I.—MANNER OF PREPAYMENT OF POSTAGE ON POSTAL ARTICLES.

145. Where the postage on a postal article is prepaid, the prepayment shall be made by means of a proper stamp or stamps provided for the purpose by the orders of the Governor-General in Council under section 16 of the Act.

146. The postage on a postal article shall not be deemed to be prepaid by means of a proper stamp—

(*a*) if the stamp is a stamp which has not been provided for use as a postage stamp under section 16 of the Act; or

(*b*) if the stamp has been obliterated, defaced, torn, cut, or otherwise rendered imperfect; or

(*c*) if the stamp has upon it any word, letter, figure, or design printed or impressed upon it, otherwise than by the authority of the Government, before posting; or

(*d*) if the stamp has been cut or otherwise separated from an embossed envelope or from a postcard or wrapper:—

Provided that nothing in this rule shall prevent the perforation of postage stamps with initials, or other identifying marks, traced in minute holes.

NOTE.—The special registration envelopes provided by the Post Office bearing embossed stamps denoting the registration fee, cannot be used for the transmission of unregistered postal articles.

II.—PRICE OF STAMPS.

147. Adhesive postage stamps shall be sold in each case for the denoted value of the stamp or stamps.

148. The small half-anna oblong envelopes and postcards shall be sold, in each case, for the denoted value of the stamp or stamps which they bear.

149. The envelopes and wrappers specified below shall be sold at the following prices, namely:—

A.—SQUARE ENVELOPES.

(1) *Half-anna.*

		Rs.	A.	P.
For 1 envelope	...	0	0	8
For 2 envelopes	...	0	1	3
For 3 "	...	0	2	0
For 4 "	...	0	2	6
For 5 "	...	0	3	0
Packets of 20	Per packet	0	12	0

(2) *One-anna.*

		Rs.	A.	P.
Any number less than 8	Each	0	1	2
Packets of 8	Per packet	0	9	3

B.—OBLONG ENVELOPES.

(1) *Commercial, half-anna.*

		Rs.	A.	P.
For 1 envelope	...	0	0	7
For 2 envelopes	...	0	1	2
For 3 "	...	0	1	9

				Rs.	A.	P.
For 4 ,,	...	...	...	0	2	3
For 5 ,,	...	...	...	0	2	9
Packets of 20	...	...	... Per packet	0	11	0

(2) *Surcharged, one-anna.*

Any number less than 12	...	...	Each	0	1	2
Packets of 12	...	...	... Per packet	0	14	0

(3) *Two-and-a-half-annas.*

Any number less than 12	...	...	Each	0	2	8
Packets of 12	...	...	... Per packet	2	0	0

C.—REGISTRATION ENVELOPES.

(1) *Small size.*

Any number less than 16	...	...	Each	0	2	2
Packet of 16	...	...	... Per packet	2	2	6

(2) *Large size.*

Any number less than 8	...	...	Each	0	2	8
Packets of 8	...	...	...Per packet	1	5	3

WRAPPERS.

(1) *Half-anna.*

Any number less than 6	...	...	Each	0	0	7
Packets of 6	...	...	... Per packet	0	3	6

(2) *One-anna.*

Any number less than 6	...	...	Each	0	1	1
Packets of 6	...	...	... Per packet	0	6	6

III.—CERTIFICATES OF POSTING.

150. A certificate of posting may be obtained in respect of any postal article for which a receipt is not given by the Post Office subject to the following conditions, namely:—

(*a*) The certificate of posting written in ink shall be presented to an officer on duty at the post office along with the article to be posted, during the hours fixed for the posting of such articles ;

(*b*) the certificate shall contain an exact copy of the addresses on the articles to which it relates, and shall have a postage stamp, or stamps, affixed thereto in payment of a fee to be charged as follows :—

(*i*) In the case of unregistered letters, post-cards, book pockets (including registered newspapers) and pattern packets, posted by the same person at one time.	¼ anna for every three articles of any of these classes, or for any less number.
(*ii*) In the case of unregistered parcels (ordinary or value-payable) and value-payable unregistered book packets, posted by the same person at one time.	¼ anna for every six articles of either or both, of these classes, or for any less number.

There shall be a separate certificate for each of these two classes of articles (*i*) and (*ii*), headed with the words "Certificate of posting for letters" or "Certificate of posting for parcels," as the case may require, and the actual number of articles in respect of which the certificate is required shall be written in words at the foot of the document.

The officer on duty shall compare the number of the articles presented and the addresses on them with the entries in the certificate, and, if the latter be correct; shall obliterate the postage stamps and impress the date-stamp upon the certificate. The certificate shall then be returned to the person who presented it.

IV.—LATE LETTERS AND LATE LETTER FEES.

151. Late letters shall mean letters posted after the hour fixed for the closing of a mail, which cannot be forwarded by the mail then being prepared for despatch without the payment of an additional fee.

152. The ordinary late letter fee for postal articles other than parcels to be transmitted by the Inland or Foreign post shall be half an anna for each postal article.

153. The late letter fee in respect of registration for articles to be transmitted by the Inland or Foreign post shall be two annas for each postal article.

154. In special cases, a higher fee than half-an-anna, but not exceeding four annas, for each postal article, may be charged on postal articles, other than parcels, posted for transmission by the Inland or Foreign post at Presidency-towns or on board steamers or in other special circumstances. The Director-General shall, from time to time, notify in the *Gazette of India* the amount of such fees and the circumstances in which they are chargeable.

155. Late letters shall be presented at the window of the post office within the hours prescribed for this purpose by the Postmaster-General, and the postage and late letter fee shall be fully prepaid by means of postage stamps.

V.—RE-DELIVERY TO THE SENDER OF POSTAL ARTICLES IN COURSE OF TRANSMISSION BY POST.

156. Inland letters, postcards, book and pattern packets and parcels, and foreign registered articles of the letter mail and foreign registered parcels, which have not been despatched from India, may be recalled when in course of transmission by post without reference to the consent of the addressee subject to the following conditions, namely:—

(*a*) No such postal article as aforesaid shall be re-delivered to the sender except under the orders of—

(i) the chief postal authority in a postal circle;

(ii) the Director-General;

(iii) the Local Government; or

(iv) the Governor-General in Council.

(*b*) A fee of one rupee shall be paid in respect of each postal article for the re-delivery of which to the sender an application is made.

(*c*) An application for the re-delivery to the sender of a postal article may be presented in writing to any of the authorities aforesaid, either direct or through any officer in charge of a post office.

(*d*) An application shall be received only from the sender of the postal article or from some person authorised in this behalf by the sender in writing.

(*e*) Every application shall be accompanied by a statement (which may be enclosed in a sealed cover) of the reasons why re-delivery is sought. Such sealed cover shall be opened only by the authority to which the application is presented, or, where such authority is a Local Government or the Governor-General in Council, by a Secretary to the Local Government or the Government of India, as the case may be.

(*f*) Upon receiving such application and statement, together with the prescribed fee as aforesaid, the officer in charge of the post office shall immediately send the same to the chief postal authority in the postal circle in which he is serving.

(*g*) If the postal article, of which re-delivery is sought, is in his possession, the said officer shall, instead of forwarding it to the addressee, keep it in deposit, and send the application to the said authority.

(*h*) If the postal article is not in his possession, the said officer shall require the officer in charge of the post office of address in the case of an inland postal article, and of the office of foreign exchange in the case of a foreign registered postal article, to abstain from delivering it to the addressee or from sending it to its address, and to keep it in deposit. The requisition to such other officer may be sent by telegraph, but all expenses attending its transmission shall be borne by the applicant.

(*i*) When the application reaches such an authority as is named in condition (*a*), that authority may order the re-delivery to the sender of the postal article, upon being satisfied that the applicant is the sender, and that sufficient reasons have been given for the re-delivery, otherwise the postal article shall be sent at once to its address.

(j) A letter or postcard in course of transmission by post shall not be re-delivered to any one but the sender or some person authorised in this behalf by the sender in writing.

VI.—DETENTION IN THE POST OFFICE OF BOOK AND PATTERN PACKETS AND PARCELS.

157. Book packets (other than newspapers) and pattern packets shall not be detained at the post office at which they were posted, for a period exceeding one day.

158. Book packets (other than newspapers) and pattern packets received from abroad shall not be detained in the post office at the port of arrival for a period exceeding one day exclusive of the day on which the mail steamer reaches such port:

Provided that nothing in this rule shall prevent any further detention at the port of arrival that may be necessary for the purpose of customs examination or enquiries.

(2) Book packets, containing printed papers obviously without value such as circulars, price lists and advertisements, when received from abroad at Bombay, shall not be detained in the Bombay post office for a period exceeding two days exclusive of the day on which the mail steamer reaches Bombay.

159. The delivery of book packets (other than newspapers), and pattern packets shall not be delayed beyond the delivery next following that by which they would ordinarily be delivered.

160. Parcels shall not be detained at the post office at which they are posted for a period exceeding one day.

161. Parcels received from abroad shall not be detained at the post office at the port of arrival for a period exceeding two days exclusive of the day on which the mail steamer reaches such port:

Provided that nothing in this rule shall prevent any further detention at the port of arrival that may be necessary for the purposes of customs examination or enquiries.

162. Subject to the limitations expressed in rules 160 and 161, parcels shall be delivered at such times and by such deliveries as the Director-General of the Post Office may direct.

VII.—DETENTION AND DISPOSAL OF UNDELIVERED POSTAL ARTICLES.

(a) At the post office of address.

163. An undelivered postal article the addressee of which cannot be found, shall ordinarily remain in the post office to which it was addressed—

(1) for a period of three weeks from the date on which it reached the post office, when that office is a head office;

(2) for a period of ten days from the date on which it reached the post office, when that office is a sub-office;

(3) for a period of seven days from the date on which it reached the post office, when that office is a branch office:

Provided that—

(a) an undelivered postal article, on which the words "Poste Restante," "To await arrival" or similar instructions have been written, shall remain in the post office to which it was addressed—(i) for a period of four months from the date on which it reached the post office if the office is at a Presidency or seaport town; (ii) for a period of one month in all other cases;

(b) an undelivered postal article shall ordinarily not remain in a post office to which it has been re-directed, after it has been ascertained that the addressee cannot be found;

(c) an undelivered telegram which is in course of transmission by post shall remain in the post office to which it was addressed, for a period of three days from the date on which it reached that office.

164. An undelivered postal article, of which the addressee has refused to take delivery, shall not be detained in the post office to which it was addressed.

(b) In the office of the Postmaster-General.

165. Packets containing printed papers, obviously without value, such as trade circulars and price lists, which cannot be disposed of under section 38 of the Act, may be disposed of forthwith by being sold as waste paper or destroyed.

166. Postcards which cannot be disposed of under section 38 of the Act, shall be detained for a period of one month, on the expiration of which they may be destroyed by being burnt.

167. Book packets, other than the packets mentioned in rule 165, newspapers and pattern packets, which cannot be disposed of under section 38 of the Act, shall be detained for a period of three months, on the expiration of which they may be disposed of by being sold or destroyed. Magazines, periodicals and newspapers may, at the option of the Postmaster-General, be used for any public purpose.

168. Subject to the provisions of section 39, proviso (*b*), of the Act, parcels which cannot be disposed of under section 38, shall be detained for a period of three months, on the expiration of which the contents, if of no saleable value, may be destroyed.

169. Letters which cannot be disposed of under section 38 of the Act, shall be detained for a period of six months, on the expiration of which they shall be destroyed by being burnt.

170. Nothing in these rules shall prevent the immediate destruction of any postal article in exercise of the powers conferred by section 23, sub-section (3), of the Act.

VIII.—COMPLAINTS AGAINST THE POST OFFICE AND THE TELEGRAPH DEPARTMENT.

171. Letters containing complaints against the Post Office or the Telegraph Department may be transmitted by the inland post, free of postage, provided that they are addressed to a postal or telegraph officer and provided that it is certified on the cover under the full signature of the sender, that they are complaints against the Post Office or the Telegraph Department, as the case may be.

IX.—GRATUITIES TO BE PAID TO MASTERS OF SHIPS.

172 With effect from the first day of April, 1908, gratuities shall be payable to the masters of ships, not being mail ships, in respect of postal articles received by them for conveyance on behalf of the Post Office, at the following rates, namely:—

		Rs.	A.	P.	
Letters and postcards	...	1	3	0	per pound.
Packets ...	...	0	2	0	per pound.
Parcels ...	...	0	1	0	per pound or part of that weight.

NOTE.—As regards letters and postcards or packets, for a lower or higher weight than one pound the gratuity payable shall be proportionately lower or higher, as the case may be.

173. The gratuities shall be payable at the time when the mail bags are made over to the masters of the ships by which they are to be conveyed, and on the granting of a receipt for the bags in the form below:

Received from the Postmaster ____________________
the following mail bags:—

From	To	No.	REMARKS.
Total (in figures and words)			

Dated A.M./P.M. ____________ ________ 19 .

Master ____________________
S. S. " ____________________."

N. B.—When one form is not sufficient for all the entries, the forms which are used must be numbered in consecutive order, and the word "Last" must be written at the top of the last form.

X.—AUTHORISING POSTAL OFFICIALS TO SEARCH FOR AND TO INTERCEPT CERTAIN PROHIBITED ARTICLES.

174. The postmaster, the deputy postmaster and the assistant postmasters at Rangoon and the postmaster at Akyab are empowered to search or cause search to be made, for any ganja, bhang, charas and every preparation and admixture of the same the bringing or taking of which by sea or land into or out of Burma is prohibited, in course of transmission by post to any place in Burma. The said officers shall deliver all such ganja, bhang, charas and every preparation and admixture of the same found to the officer for the time being in charge of the Excise Administration of the Rangoon town or the Akyab district, as the case may be; and such ganja, bhang, charas and every preparation and admixture of the same shall be disposed of in accordance with the rules for the time being in force relating to ganja, bhang, charas and every preparation or admixture of the same, confiscated under the provisions of the Excise Act, 1896 (XII of 1896).

175. The officers noted in the margin are empowered to search, or cause search to be made, for any cocaine and "novocain," the bringing of which by sea or by land, into British India is prohibited, in course of transmission by post to any place in British India. The said officers shall deliver all such cocaine and "novocain" found to the nearest officer for the time being in charge of the Excise Administration, and such cocaine and "novocain" shall be disposed of in accordance with the rules for the time being in force relating to cocaine and "novocain" confiscated under the provisions of the Excise Law in force for the time being in the part of British India in which the actual delivery of the cocaine and "novocain" so found was made to the Excise officer aforesaid.

(1) The mail officer for the time being in charge of the Bombay-Aden Sea Post Office.
(2) The Postmaster and the Deputy Postmaster at Karachi.
(3) The Presidency Postmaster, the Deputy Postmaster and the Assistant Postmasters at Bombay.
(4) The Presidency Postmaster, the Deputy Postmaster and the Assistant Postmasters at Madras.
(5) The Postmaster and Deputy Postmaster at Tuticorin.
(6) The Presidency Postmaster, the Deputy Postmaster and the Assistant Postmasters at Calcutta.
(7) The Postmaster, the Deputy Postmaster and the Assistant Postmasters at Rangoon.
(8) The Postmaster at Akyab.
(9) The Postmaster at Negapatam.

176. The officers noted in the margin are empowered to search, or cause search to be made, for birds' skins and feathers in course of transmission by post to any place out of British India, the taking of which by sea or by land out of British India is prohibited. The said officers shall deliver all such skins and feathers found to the nearest Collector of Customs.

(1) The Presidency Postmaster, Deputy Postmaster, and Assistant Postmasters at Bombay.
(2) The Postmaster, Belgaum (Bombay).
(3) The Assistant Mail officers, Bombay-Aden Sea Post Office.
(4) The Postmaster and Deputy Postmaster of Karachi.
(5) The Postmaster of Quetta (for articles for Seistan and Khorasan in Persia).
(6) The Presidency Postmaster, Deputy Postmaster, and Assistant Postmasters at Madras.
(7) The Postmaster and Deputy Postmaster at Tuticorin.
(8) The Postmaster, Negapatam.
(9) The Postmaster, Pondicherry.
(10) The Postmaster, the Deputy Postmaster, and the Assistant Postmasters at Rangoon.
(11) The Presidency Postmaster, the Deputy Postmaster, and the Assistant Postmasters at Calcutta.

177. The Postmaster, the Deputy Postmaster, and the Assistant Postmasters at Rangoon and the Postmaster at Akyab are empowered to search, or cause search to be made, for any opium, the bringing or taking of which by sea or land into or out of Burma except the Shan States, is prohibited, in course of transmission by post to any place in Burma. The said officers shall deliver all such opium found to the officer for the time being in charge of the Opium Administration of the Rangoon town or the Akyab district as the case may be; and such opium shall be disposed of in accordance with the rules for the time being in force relating to opium confiscated under the provisions of the Opium Act, 1878 (I of 1878).

B. ROBERTSON,
Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 7th August 1908.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Simla, Volunteer Rifles.

No. 668.—Assistant Commissary (Honorary Lieutenant) Harry Crowther Atkinson to be Second-Lieutenant to fill an existing vacancy. Dated 9th July 1908.

CANTONMENTS.

REGULATIONS.

No. 675.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664 dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below :—

In section 2, sub-section (1), clause (v), the words " and not maintained by the Cantonment authority " shall be omitted.

In section 29, sub-section (1), the following shall be inserted between clauses (*h*) and (*j*) :—

" (*i*) the acquisition of immovable property for Cantonment purposes."

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—21-8-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 28, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 15, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

EXAMINATIONS.

Simla, the 13th August, 1908.

No. 304.—The following amendment to the rules regarding the Proficiency Examination in Urdu contained in the Home Department Notification No. 633, dated the 20th December 1907, is published for general information.

To rule V add the following paragraph:

In addition to the quarterly examinations mentioned above, the Secretary to the Board of Examiners, Calcutta, will conduct two examinations annually at Lucknow and two at Lahore, in March and October. The exact dates of the examinations and the places at which they will be held will be notified to intending candidates on application to the Board of Examiners.

Candidates desirous of appearing at the examinations to be held in October next will be permitted to submit their applications up to the 31st August.

MEDICAL.

The 11th August, 1908.

No. 926.—The services of Major H. M. Earle, I.M.S., are placed temporarily at the disposal of the Government of the Punjab.

SANITARY.

The 10th August, 1908.

No. 1822.—The notification of the Government of India in the Home Department, No. 480, dated the 28th February 1901 (as amended by notifications No. 1560, dated the 16th August 1901, and No. 1711, dated the 18th July 1902, prohibiting under section 2, sub-section (*1*) of the Epidemic Diseases Act, 1897 (III of 1897), the bringing, taking, sending or consigning of soiled linen, used bedding (except when carried as the personal baggage of travellers), rags and waste paper from certain specified areas into or through any other part of India to which the provisions of the said Act extend or have been applied, is hereby cancelled.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 8th August, 1908.

No. 132.—Mr. H. M. Baines, Executive Engineer, Punjab, is appointed to officiate as Superintending Engineer, with effect from the 24th July 1908.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 12th August, 1908.

No. 3266-*I.B.—Corrigendum.*—In the schedules to the Notifications of the Government of India in the Foreign Department, Nos. 2806-I.B. and 2807-I.B., dated the 10th July, 1908, regarding the service in British India and Berar of summonses issued by the Civil Courts of the Feudatory States of the Central Provinces, *for* the word "Rajnandgaon" *read* "Nandgaon".

S. H. BUTLER,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

TELEGRAPHS.

Simla, the 11th August, 1908.

No. 7550—192.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that the following amendments shall be made in the rules published with the Notification of the Government of India in the Public Works Department No. 298 (Telegraphs), dated 22nd of September 1904, and as subsequently amended, namely:

In Rule 23, the words "The address includes the name of the office to which the telegram is to be transmitted, the name or designation (or both) and the address of the addressee" shall be omitted.

In rules 58 and 128 the words "(For definition see rule 23)" in the fifth column of the table, shall be omitted.

The following shall be added at the end of Rule 128:

"The address in a press telegram includes the name of the office to which the telegram is to be transmitted, the name of the correspondent, and the name and address (if necessary) of the Newspaper".

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

NOTIFICATIONS.

Simla, the 14th August, 1908.

MEDALS.

No. 676.—The Viceroy and Governor-General in Council has much pleasure in announcing to the Army that His Majesty the King-Emperor of India has been graciously pleased to approve of a new medal being struck to commemorate military operations in, or on the frontier of, India. [A description of this medal and its ribbon will be published hereafter.]

North-West Frontier of India.

No. 677.—The Viceroy and Governor-General in Council has much pleasure in announcing to the Army that His Majesty the King-Emperor of India has been graciously pleased to approve of the grant of the above medal with clasp inscribed "North-West Frontier of India 1908" to all the troops and followers who were employed in the lates operations connected with the Bazaar Valley and Mohmand Expeditions.

REWARDS.

* * * * * * * * *

2. His Excellency the Commander-in-Chief is requested to issue the necessary subsidiary orders for the submission of the medal rolls.

No. 679.—The Governor-General in Council is pleased to announce that the Right Honourable the Secretary of State for India has sanctioned the issue of a gratuity to Officers, Non-commissioned Officers and men who were engaged in the recent operations in the Mohmand country.

2. The gratuity will be issued at the rate of Rs. 24 per share for British and Rs. 12 for native soldiers, according to the rank of the recipient, and will also be admissible to the heirs of those who were killed in action or who died of disease during the operations. Only those troops and regimental followers who formed part of the Mohmand Field Force and served beyond Hafiz Kor between the 13th and the 31st May 1908, both days inclusive, and not those who proceeded up the Khyber only or who served merely at Warsak and beyond on the protection of the Loi-Shilman Railway, will be entitled to the grant.

3. The gratuity will be issued to all British Commissioned, Warrant and Non-commissioned Officers and privates, according to the rank or relative rank of the recipient upon the following scale:—

		Number of shares.	
Major General	...	76*	*With 100 shares extra if in Chief Command.
Brigadier-General	...	57	
Colonel-on-the-Staff	...	40	
Colonel / Lieutenant-Colonel	...	32	
Major	...	16	
Captain	...	12	
Chaplain, Church of England or Scotland.	Senior Chaplain ...	16	
	Junior Chaplain ...	12	
Chaplain Non-Conformist	...	12	
Chaplain, Roman Catholic	...	12	
Lieutenant	...	7½	
Warrant Officer	...	4	

Non-commissioned Officers and men according to the following classification:—

Class.		Shares.
I	...	3
II	...	2½
III	...	2
IV	...	1½
V	...	1

4. The gratuity to the Native Troops will be issued on the following scale:—

		Rs.
Officers above the rank of Jemadar (including Senior Hospital Assistants, 1st Class)	...	120
Jemadars (including Senior Hospital Assistants, 2nd Class)	...	48
Native soldiers above the rank of Naick, including Hospital Assistants	...	24
Naicks	...	16
Other ranks	...	12

5. The gratuity is admissible to all regimental followers who were not in receipt of an increase of 50 per cent. to their pay, two-fifths of the gratuity admissible to a Havildar of Native Infantry being granted to the superior class of followers, drawing salaries of not less than Rs. 10 per mensem, and two-thirds of the gratuity admissible to a sepoy, to the inferior class of followers whose pay is below Rs. 10 a month.

6. The grant of the gratuity is subject to the approval of Major-General Sir James Willcocks, K.C.M.G., C.B., D.S.O., Commanding late Mohmand Field Force. Officers Commanding or Heads of Departments should, therefore, submit nominal rolls to that Officer, who will furnish a certificate that the Officers and men for whom the gratuity is claimed were actually employed within the sphere of operations above referred to. The gratuity may then be paid in anticipation of audit, bills for the same being afterwards sent for audit to the Pay Examiner of the Circle to which the troops belong.

7. Officers will be allowed the benefit of local or temporary rank, and soldiers, of any rank sanctioned in establishments in which they have acted. The amount of the gratuity will be governed by the rank of the recipient on the 31st May 1908.

8. It is to be understood that the grant of the gratuity renders inadmissible any claim to compensation for the wear and tear of clothing and necessaries.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Sind Volunteer Rifles.

No. 694.—Second-Lieutenant Philip Walter Jupe to be Lieutenant, *vice* Sawyer promoted. Dated 1st April 1908.

Norman Squire to be Lieutenant, *vice* Robertson, resigned. Dated 14th April 1908.

(Army Department notification No. 517 of 1908 is cancelled, so far as it relates to these officers.)

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED AUGUST 22, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY.

PLAGUE.

Simla, the 21st August, 1908.

No. 1892.—The services of the undermentioned officers are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty, with effect from the dates noted against their names :

Captain H. M. H. Melhuish, I.M.S.	26th June 1908.
Captain W. F. Brayne, M.B., I.M.S.	3rd July 1908.
Captain M. S. Irani, I.M.S.	28th June 1908.
Lieutenant E. J. C. McDonald, I.M.S.	20th July 1908.

No. 1894.—The services of Captain W. W. Jeudwine, M.B., I.M.S., are placed temporarily at the disposal of the Government of the Punjab for employment on plague duty, with effect from the 17th July 1908.

ECCLESIASTICAL.

The 21st August, 1908.

No. 440.—The Reverend R. A. Storrs, a senior chaplain on the Bengal (Lahore) ecclesiastical establishment, is permitted to retire from the service, with effect from the 30th November 1908.

H. A. STUART,

Offg. Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 18th August, 1908.

No. 2677 *F.*—In exercise of the powers conferred by Section 4 (*b*) of the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to order that for the definition of "Deputy Commissioner" inserted as clause (*c*) in section 2 of the Frontier Crimes Regulation, 1901, by clause (*b*) of Heading (2) in the Second Schedule of the Notification of the Government of India in the Foreign Department, No. 172c-F., dated the 27th June, 1902, the following definition shall be substituted, namely:

"(*c*) 'Deputy Commissioner' means the Deputy Commissioner of the Dera Ghazi Khan District and includes any Magistrate appointed by the Deputy Commissioner by order in writing to exercise all or any of the functions or powers specified in the first part of the first schedule of Regulation III of 1901, and also any Magistrate appointed by the Local Government to exercise all or any of such functions or powers."

S. H. BUTLER,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 21st August 1908.

VOLUNTEER CORPS.

MEDALS AND DECORATIONS.

No. 717.—His Excellency the Governor-General of India is pleased to confer the Volunteer Officers' Decoration upon the undermentioned officers:—

* * * * * * * *

Simla Volunteer Rifles.

Honorary Captain and Paymaster Stanislaus Kostka Murphy.

* * * * * * * *

CANTONMENTS.

REGULATIONS.

No. 718.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to direct that the following amendment shall be made in the Cantonment Code, 1899, namely:—

To section 84 the following sub-section shall be added, namely:—

(2) If within three months from the date of the service of a notice under sub-section (1) the Cantonment Magistrate finds any building or land in respect of which the notice was issued, in a filthy or unwholesome state, the owner, lessee or occupier shall be punishable with imprisonment for a term which may extend to eight days or with fine which may extend to fifty rupees.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—28-8-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 4, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED AUGUST 29, 1908.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 28th August, 1908.

No. 3472-*I. C.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and by section 22 of the Indian Extradition Act, 1903 (XV of 1903), the Governor General in Council is pleased to direct the cancellation of rule 8 of the rules published with the Notification of the Government of India in the Foreign Department, No. 1862-I. A., dated the 13th May, 1904, as amended by Notifications Nos. 1727-I.A., dated the 12th May, 1905, and 395-I.C., dated the 24th January, 1908.

S. H. BUTLER,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

CUSTOMS.

Simla, the 26th August, 1908.

No. 7991—7.—In exercise of the power conferred by sections 8-A and 8-B of the Indian Tariff Act, 1894 (VIII of 1894), as subsequently amended, the Governor General in Council is pleased to direct that the duties leviable in pursuance of the said sections shall be remitted, with effect from the 1st September 1908, in respect of sugar produced in Russia, provided that such sugar is imported into British India—

(*a*) direct from the country of production ; or

(*b*) through another country which is also a party to the Brussels Sugar Convention of 1902, without having been transhipped at, or unloaded in, or carried through, any country which is not a party to the said convention ; and provided also that it is accompanied by a certificate of origin, such as is required in respect of sugar produced in other countries which are parties to the Brussels Sugar Convention of 1902.

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 28th August 1908.

LONDON GAZETTE.

No. 719.—The following extract is published for general information:—

"*London Gazette,*" *dated* 4*th August* 1908, *pages* 5734 *to* 5735.

* * * * * * * *

INDIA OFFICE,

4*th August* 1908.

The King has approved of the following promotions among officers of the Indian Army and Indian Army Departments, and admissions to the Indian Army:—

INDIAN ARMY.

Captains to be Majors.

Dated 4th June 1908.

* * * * * * *

Edward Terry Carwithen, 9th Bhopal Infantry.

Lieutenants to be Captains.

Dated 20th May 1908.

* * * * * * * *

James Cosmo Russell, 9th Hodson's Horse.

* * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS AND PROMOTIONS.

North-Western Railway Volunteer Rifles.

No. 732.—The Hon'ble Sir Louis William Dane, K.C.I.E., C.S.I., Lieutenant-Governor of the Punjab, to be Honorary Colonel, *vice* the late Sir Denzil Charles Jelf Ibbetson, K.C.S.I. Dated 3rd August 1908.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—4-9-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 11, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 5, 1908.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 29th August, 1908.

No. 136.—Mr. H. C. Sanders, Executive Engineer, Punjab, is temporarily transferred to Rajputana.

L. M. JACOB,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 3rd September, 1908.

No. 3537 *I.A.*—The services of Lala Pohu Ram, Extra Judicial Assistant Commissioner, in the Punjab, which were lent to the Bharatpur State, are replaced at the disposal of the Government of the Punjab, with effect from the 10th August, 1908.

S. H. BUTLER,
Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

CUSTOMS.

Simla, the 1st September, 1908.

No. 8152—7.—*For* Notification by the Government of India in the Department of Commerce and Industry, No. 7991-7, dated the 26th August 1908, *substitute* the following, namely:

No. 7991—7.

Dated Simla, the 26th August, 1908.

In exercise of the power conferred by Sections 8-A and 8-B of the Indian Tariff Act, 1894 (VIII of 1894), as subsequently amended, the Governor-General in Council is pleased to direct that the duties leviable in pursuance of the said Sections shall be remit-

ted, with effect from the 1st September 1908, in respect of sugar produced in Russia, provided that such sugar is imported into British India—

(*a*) direct from the country of production ; or

(*b*) through another country which is also a party to the Brussels Sugar Convention of 1902, without having been transhipped at, or unloaded in, or carried through, any country which is not a party to the said Convention ;

and provided also that it is accompanied by a certificate of origin, such as is required in respect of sugar produced in other countries which are parties to the Brussels Sugar Convention of 1902.

No. 8172—6.—In exercise of the powers conferred by Section 22 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to direct that, for the corresponding item of entry No. 15 in the Notification of the Government of India in this Department No. 10889-37, dated the 20th December 1907, the following shall be substituted with effect from the 5th September 1908, namely:

No.	Name of article.	Per	Tariff valuation.	Duty.
			Rs. A. P.	
15	* * * *			
	Tin, block	Cwt.	125 0 0	Five per cent.
	* * * *			

The 2nd September, 1908.

No. 8153.—In exercise of the powers conferred by Section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to prohibit the export by sea of Malwa opium from the port of Bombay, until the 1st January 1909.

B. ROBERTSON,
Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 4th September 1908.

CANTONMENTS.

REGULATIONS.

No. 741.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below :—

Section 68, *clause* (*d*).—The following shall be inserted after the words "other military" :—

"or civil."

No. 742.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to alter the Cantonment Code, 1899, to the extent set forth below :—

Section 211.—The following shall be inserted after the words "reasons therefor" in line three :—

"and whether such person resides in or frequents the cantonment."

No. 743.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to direct that the following amendment shall be made in the Cantonment Code, 1899, namely :—

In section 226, sub-section 2, after the words "to appoint an agent" the words "or to notify such appointment", shall be inserted.

A. W. L. BAYLY,
Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA, SEPTEMBER 5, 1908.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

EDUCATION.

SCHOLARSHIPS FOR THE SCIENTIFIC STUDY OF SANSKRIT AND ARABIC BY NATIVES OF INDIA.

NOS. 731—743.

Simla, the 1st September 1908.

RESOLUTION.

THE Government of India have for some time past had under their consideration the question of encouraging the scientific study of Sanskrit and Arabic by natives of India. They believe that great advantage will result from aiding students to acquire the critical and scientific methods of Western scholarship, by studying the classics under European professors and by acquiring a knowledge of French and German which is indispensable for making full use of the researches of European Orientalists.

2. They have accordingly decided, with the sanction of the Secretary of State, to allot for the present four scholarships tenable in Europe, three for the study of Sanskrit and one for the study of Arabic. Not more than two will be awarded annually. The scholarships will be open to well qualified students with a genuine taste for oriental studies and to gentlemen already employed as professors of Sanskrit and Arabic in India. The value of each scholarship will be £150 a year, and it will be tenable for two years. The Secretary of State will decide the courses of study of each scholarship-holder and the special conditions to be observed, if necessary, by students who elect to study in continental Europe rather than in England. A scholarship-holder will be provided with a free second class passage to Europe, and also with a return passage if he completes the full period of residence or is compelled by sickness to return within that period. He will be required for disciplinary purposes to conform to such rules as the Secretary of State may make in this behalf.

3. In the first year one scholarship will be awarded for Sanskrit and one for Arabic. In the following year two scholarships for Sanskrit only will be awarded. Each Local Government or Administration is invited to submit during the current financial year the name of one candidate for a Sanskrit and one for an Arabic scholarship, and in the following year the names of two candidates for a Sanskrit scholarship, this procedure being followed in alternate years. It is requested that the names of the candidates may be accompanied by a full description of their qualifications, and with the views and recommendations of the Local Government thereon. The power of selection will rest with the Government of India who will award the scholarships to those whom they may consider best fitted to hold them. Local Governments and Administrations are requested to submit their recommendations so as to reach the Government of India by the 31st March of each year at latest. Those for the current year should be sent in as soon as possible.

ORDER.—Ordered that a copy of this Resolution be communicated to all Local Government* and Administrations, for information and guidance.

* Madras.
Bombay.
Bengal.
United Provinces.
Punjab.
Burma.
Eastern Bengal and Assam.
Central Provinces.
North-West Frontier Province.
Coorg.

Ordered also that a copy be forwarded to the Finance / Foreign Department for information and that a copy be published in the supplement to the *Gazette of India*.

H. A. STUART,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—11-9-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 18, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 12, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

EXAMINATIONS.

Simla, the 11th September, 1908.

No. 354.—The following alteration should be made in the preamble to the Home Department notification No. 304, dated the 13th August 1908 :

For "Home Department notification No. 632, dated the 20th December 1907," *read* "Home Department notification No. 633, dated the 20th December 1907".

MEDICAL.

The 9th September, 1908.

No. 1052.—The notification of the Government of India in the Home Department, No. 926, dated the 11th August 1908, placing the services of Major H. M. Earle, I.M.S., temporarily at the disposal of the Government of the Punjab, is hereby cancelled.

SANITARY.

PLAGUE.

The 11th September, 1908.

No. 1985.—Whereas the Governor General in Council is satisfied that there is a danger of an outbreak of dangerous epidemic disease at Tirupati in the Chendragiri taluq of the North Arcot District of the Madras Presidency if persons from the Mysore State are permitted to assemble at that place on the occasion of the ensuing Brahmotsavam festival of Sri Venkateswaraswami :

In exercise of the power conferred by section 2, sub-section *(1)*, of the Epidemic Diseases Act, 1897 (III of 1897), the Governor General in Council is pleased to direct that no tickets to travel by railway to the stations of Pákala, Panapakam, Chendragiri, Tirupati West, Tirupati East, Rénigunta, Yérpédu, Kálahasti, Yellakaru, Púttúr, Taduku, Púdi, Mámándúru, Settigunta, and Kódúru on the Madras and Southern Mahratta Railway shall be sold from the 22nd September to the 5th October 1908 (both days inclusive) within the Mysore State to any person intending or believed to be intending to proceed to the Brahmotsavam festival of Sri Venkateswaraswami at Tirupati.

ECCLESIASTICAL.

The 11th September, 1908.

No. 465.—The addition made by the Home Department notification No. 567, dated the 19th December 1902, to rule XXIII, Part IV, of the ecclesiastical rules published with notification No. 178, dated the 21st May 1897, is hereby cancelled.

H. A. STUART,

Offg. Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 11th September, 1908.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

North Western Railway Volunteer Rifles.

No. 760.—Reginald Noel Nicholl to be Second-Lieutenant, *vice* Johnston, promoted. Dated 4th August 1908.

CANTONMENTS.

REGULATIONS.

No. 764.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to amend the Cantonment Code, 1899, to the extent set forth below :—

The following " proviso " shall be added to section 89 (5) :—

" Provided that no sanction under section 89 shall act as a bar to any proceedings under sections 76 to 85."

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA, SEPTEMBER 12, 1908.

RESULTS OF THE MEASURES ADOPTED FOR THE DESTRUCTION OF WILD ANIMALS AND VENOMOUS SNAKES DURING THE YEAR 1907.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

PUBLIC.

NOS. 2040—2053.

Simla, the 4th September 1908.

RESOLUTION.

THE total mortality amongst human beings reported to be due to wild animals in 1907 amounted to 1,966 as compared with 2,086 in 1906. The total is the lowest on record since the practice of collecting these statistics was initiated. The most noticeable variations from the figures of last year occur in Bengal, the United Provinces, and the Central Provinces, while in Madras there was a comparatively large increase—from 167 to 201—in the number of persons killed by tigers. In Bengal the mortality rose from 756 in 1906 to 840, and is reported to be the result chiefly of an increase in the Patna division, where 142 persons were killed as against 54 in the preceding year. This is due to the ravages of a pack of wolves which came down from Nepal and infested the jungles round the Pandu river in the Madhubani sub-division of the Darbhanga district. A reward of Rs. 10 has been offered by the local officers for every wolf killed in the neighbourhood, and the District Magistrate has also distributed guns to suitable persons. The district of Hazaribagh is still a prey to the depredations of wolves, 47 persons having been killed by these animals against 42 in 1906. The Deputy Commissioner has offered an increased reward to ensure their destruction. Elephants were responsible for 16 deaths as against 18 in the preceding year. Of these 8 occurred in the Darjeeling district. The Deputy Commissioner has invited the inhabitants of villages liable to attack from wild elephants to apply for licenses to possess guns, and has also recommended that arrangements should be made for a Government khedda party now working in the Jalpaiguri district of Eastern Bengal and Assam to start operations in Darjeeling. The Commissioner of the Bhagalpur division is making inquiries in the matter. The number of deaths caused by tigers in Bengal rose from 295 in 1906 to 355, the increase occurring principally in the districts of Khulna, Hazaribagh, Ranchi, and Singhbhum, which recorded 70, 40, 53, and 85 deaths, respectively, against 58, 23, 26, and 52 in the preceding year. The increased mortality in the districts of Hazaribagh and Singhbhum was due two man eaters, for whose destruction special rewards of Rs. 500 and Rs. 100, respectively, were offered. Every effort has been made to kill these animals, but without effect. There was a striking difference in the number of persons killed by tigers in the district of Angul, *viz.*, from 45 in 1906 to 26 in 1907, and the Deputy Commissioner attributes this result to the destruction of two man-eaters in the Khondmal sub-division.

In the United Provinces the mortality fell from 280 in 1906 to 159. The decrease is principally due to a noticeable decline in the number of deaths caused by wolves in the Allahabad division. The district officers of Fatehpur and Cawnpore each report 3 deaths from wolves against 86 and 22 in the preceding year. No reason is assigned for the decrease in Cawnpore, but in the Fatehpur district a couple of large female wolves and six or eight male wolves were destroyed in February 1907, and from that date loss of life ceased. In the Kumaun division tigers are reported to have caused 39 deaths as

against 20 in 1906. Thirty-two of these deaths occurred in the neighbourhood of Lohaghat in the Almora district, where two or three tigers took to man-eating. They were destroyed and in one case a reward of Rs. 200 was paid: in another case special rewards in the shape of firearms were given by order of the Lieutenant-Governor. The Deputy Commissioner of Almora reports that a leopard, for which a reward of Rs. 50 was sanctioned, has not yet been killed, though it is still preying on human beings at intervals. Special measures have been taken to hunt it down and the reward has been raised.

The mortality in the Central Provinces fell from 252 in 1906 to 174 in 1907. Tigers killed 86 persons, a figure which, though 21 in excess of that of the previous year, is much lower than the average for the last six years. Chanda and Balaghat each return 21 fatalities from this cause. No regular man-eater is known to exist in the former district, but in the latter there are still two or three man-eating tigers infesting the Baihar tahsil. A case is reported from this district in which a Gond was treed by a tiger and rescued by a large body of villagers, but was snatched away from the rescuing party as it was returning home. The mortality from panthers was comparatively small, amounting to 34 deaths as against 106 and 126 in the two preceding years. In Chanda the number of human kills by panthers was reduced from 27 to 1, owing to the destruction by a native shikari of the notorious man-eater of the Panabaras zamindari. To the destruction of the same animal is attributed the remarkable decrease, from 32 to 1, in the number of deaths from panthers in the Drug district, where in the preceding year heavy mortality was caused in the Dhondi-Lohara zamindari, which adjoins Panabaras.

2. The total mortality amongst human beings caused by snake-bite fell from 22,811 in 1906 to 21,419 in 1907. So low a figure has not been reached since 1897. The decrease is noticeable mainly in Bengal and Eastern Bengal and Assam where the figures fell from 8,862 and 2,730 in 1906 to 8,276 and 1,900, respectively, in 1907. The most important increases occurred in Madras and Burma where the figures rose from 1,527 and 1,140 in 1906 to 1,677 and 1,348, respectively. The highest mortality in Bengal occurred as usual in the Patna division, the number of deaths being 3,393 as compared with 3,636 in 1906. The decrease in Eastern Bengal and Assam is attributed to the floods having been lower. The Central Provinces figure (996) is the lowest returned in any one of the last seven years. The Lauder-Brunton treatment of snake-bite by incision and application of permanganate of potash and the distribution of lancets continues, but as usual the value of the results is discounted by the absence of identification of the snake that inflicted the bite. In Burma nearly all the deaths occurred in paddy tracts where Russell's viper is particularly prevalent. Steps are being taken in this province to ensure a wide distribution of Brunton lancets. It is too early yet to pronounce with any certainty as to the result of the experiment, but a number of favourable reports have been received. it is reported that in the Pegu district six men and one buffalo bitten by Russell's vipers operated on by headmen to whom lancets had been issued and that all but one man, who was unconscious before being brought to the *thugyi*, recovered. Eight cases are reported from the United Provinces of the successful use of Dr. Calmette's antivenene. In two of these cases the permanganate of potash treatment was also employed.

3. The total number of cattle destroyed by wild animals was 88,835 as compared with 86,467 in 1906. The most remarkable increase, though the Local Government expresses a doubt as to the accuracy of the returns, occurred in the United Provinces where the figures rose from 5,972 in 1906 to 9,306. This is mainly due to the number (6,105) of cattle killed by leopards in the Kumaun division and chiefly in the Garhwal district where 3,916 deaths occurred against 843 in 1906. The number of cattle killed by bears in Kumaun shows, however, a further decrease from 672 to 265 in the year under report, the figure for 1905 having been 1,065. In the Punjab also there was a considerable increase in the number of cattle killed by wild animals, the figure being 2,808 in 1907 as compared with 1,775 in 1906, the former being the highest figure recorded since 1886. The increase is chiefly due to the ravages of leopards and wolves in the Kangra and Mianwali districts. The number of cattle killed by snake-bite rose from 8,187 in 1906 to 9,839.

4. The number of wild animals destroyed was 15,721 as compared with 15,855 in 1906. Fewer tigers were destroyed, but leopards, bears, and wolves were destroyed in larger numbers. The rewards paid for the destruction of wild animals amounted to Rs. 1,30,963 as compared with Rs. 1,21,528 in 1906. It was found necessary by the Government of Burma to offer a reward of Rs. 10 for every full-grown crocodile killed in the Mergui district, where these animals were responsible for the deaths of many

human beings. The total number of snakes killed was 61,734 as compared with 61,830 in 1906, and the amount of the rewards paid for their destruction was Rs. 2,670 as against Rs. 2,639 in 1906.

5. The number of licenses (in Form XI) issued free of cost under the Indian Arms Act, 1878, for the destruction of wild animals or the protection of crops during the year was 11,796 against 9,357 in 1906; and the total number of licenses of this nature in force, including such as were valid from previous years, amounted to 43,583 as against 39,706 in 1906. A larger number of these licenses was granted during the year in each province except Madras and the United Provinces, but in Eastern Bengal and Assam, where the number is 3,984 as compared with 2,299 in 1906, the large increase is due to the conversion of licenses in Form VIII to those in Form XI in the Assam Valley districts.

ORDER.—Ordered that a copy of this Resolution be forwarded to Local Governments and Administrations* and that it be published in the supplement to the *Gazette of India* for general information; also that a copy be forwarded to the Director-General of Commercial Intelligence.

* Including the Hon'ble the Chief Commissioners of the North-West Frontier Province and Ajmer-Merwara and the Hon'ble the Resident in Mysore.

H. A. STUART,

Offg. Secretary to the Government of India.

No. I

Number of Persons killed in each Province of British India by Wild Animals (specifying the principal kinds) Sand nakes in each calendar year from 1903 to 1907.

Province.		By wild animals.									
		Elephants.	Tigers.	Leopards.	Bears.	Wolves.	Hyenas.	Other anmials.	Total.	By snakes.	Grand Total.
Madras	1903	3	129	70	22	2	2	201	438	2,011	2,449
	1904	4	110	62	10	1	...	30	237	1,932	2,169
	1905	4	155	80	9	8	2	41	299	1,896	2,195
	1906	6	167	68	22	1	2	13	279	1,527	1,806
	1907	6	201	53	9	4	...	22	205	1,677	1,972
Bombay	1903	...	28	15	...	12	...	15	70	1,008	1,078
	1904	1	5	6	2	2	2	15	33	1,129	1,162
	1905	...	4	7	...	...	...	19	30	1,111	1,141
	1906	...	10	13	...	20	2	13	58	1,143	1,201
	1907	1	9	27	...	8	1	20	66	1,171	1,237
Bengal	1903	9	359	198	47	119	14	374	1,120	10,394	11,514
	1904	20	342	209	43	111	19	343	1,087	10,052	11,139
	1905	9	390	104	28	56	15	203	805	8,245	9,050
	1906	18	295	112	36	67	7	221	756	8,862	9,618
	1907	16	355	77	26	185	12	169	840	8,276	9,116
United Provinces ...	1903	2	45	18	5	278	1	55	404	4,964	5,368
	1904	...	11	18	8	90	3	63	193	5,152	5,345
	1905	2	14	21	9	76	1	50	173	4,967	5,140
	1906	2	24	14	17	178	6	39	280	5,188	5,468
	1907	...	42	16	5	60	2	34	159	5,080	5,239
Punjab	1903	...	1	1	...	1	...	...	3	707	800
	1904	...	1	3	...	3	...	4	11	974	985
	1905	...	...	2	3	3	...	9	17	923	940
	1906	...	...	...	1	5	2	...	8	1,060	1,068
	1907	...	...	3	2	4	2	8	10	903	921
North-West Frontier Province ...	1903	...	...	...	...	...	...	5	5	34	39
	1904	...	...	...	...	...	...	6	6	19	25
	1905	...	...	...	...	...	1	...	1	21	22
	1906	...	...	...	...	...	...	2	2	37	39
	1907	...	...	...	...	...	...	...	...	33	33
Burma	1903	7	53	13	0	...	...	10	101	1,031	1,132
	1904	8	87	6	8	...	...	16	125	836	961
	1905	7	43	5	3	...	...	6	64	960	1,024
	1906	8	50	7	5	...	...	9	88	1,149	1,237
	1907	1	43	0	11	...	...	12	76	1,248	1,484
Central Provinces and Berar ...	1903	...	106	188	17	51	7	11	470	1,386	1,856
	1904	1	180	93	19	37	2	19	351	1,550	1,901
	1905	...	105	126	18	9	4	31	293	1,280	1,573
	1906	...	65	106	15	1	...	75	262	1,100	1,362
	1907	...	86	24	14	6	2	32	174	996	1,179
Eastern Bengal and Assam ...	1903	17	55	1	17	...	...	31	(a)138	172	310
	1904	18	50	2	11	...	...	32	113	185	298
	1905	26	75	57	18	1	1	191	369	2,363	2,732
	1906	26	78	58	14	...	...	176	352	2,730	3,082
	1907	29	57	73	18	10	2	146	335	1,900	2,235
Coorg	1903	...	...	...	...	...	...	...	...	...	...
	1904	...	...	...	1	...	...	...	1	1	2
	1905	...	...	...	...	...	...	...	...	1	1
	1906	...	...	...	...	...	...	...	...	1	1
	1907	...	...	...	...	...	...	...	...	...	...
Ajmer-Merwara	1903	...	...	...	...	...	...	...	...	30	30
	1904	...	...	...	...	...	...	...	...	50	50
	1905	...	...	...	...	...	...	...	...	30	30
	1906	...	...	...	...	1	...	...	1	14	15
	1907	...	...	...	...	...	...	2	2	34	36
Bangalore	1903	...	...	...	...	...	...	...	...	...	...
	1904	...	...	...	...	...	...	...	...	...	...
	1905	...	...	...	...	...	...	...	...	...	...
	1906	...	...	...	...	...	...	...	...	...	...
	1907	...	...	...	...	...	...	...	...	1	1
TOTAL ...	1903	38	866	513	117	463	24	711	2,749	21,827	24,576
	1904	52	786	399	103	244	26	548	2,157	21,880	24,037
	1905	48	786	402	88	153	24	550	2,051	21,797	23,848
	1906	60	698	378	110	273	19	518	2,086	22,811	24,897
	1907	53	793	292	85	277	21	445	1,966	21,419	23,385

(a) Includes 17 persons killed in the Lushai Hills, details not available.

No 2.

Number of cattle killed in each Province of British India by wild animals (specifying the principal kinds) and snakes, in each calendar year from 1903 to 1907.

Province.	Year	By wild animals.								By snakes.	Grand Total.
		Elephants.	Tigers.	Leopards.	Bears.	Wolves.	Hyenas	Other animals	Total.		
Madras	1903	...	2,318	8,031	32	187	370	33	10 978	2,328	13,306
	1904	4	2,634	8,877	30	179	191	141	12,056	2,090	14,146
	1905	3	3,204	9,983	...	63	27	63	13,347	2,048	15,391
	1906	2	3,046	10,619	5	61	44	41	13,818	1,765	15,583
	1907	4	3,448	9,687	1	12	63	7	13,222	1,998	15,220
Bombay...	1903	...	600	843	...	3,030	141	59	4,673	129	4,802
	1904	...	527	928	...	4,418	63	63	6,009	82	6,091
	1905	...	709	748	...	4 542	112	95	6,206	145	6,351
	1906	1	477	759	...	6,019	230	267	7,753	198	7,951
	1907	...	353	1,043	2	5,234	94	325	7,051	231	7,282
Bengal	1903	1	7,714	10,085	31	1,947	1,641	816	22,235	635	22,870
	1904	3	7,046	11,721	41	1,468	1,988	1,239	21,506	703	24,209
	1905	63	6,196	7,391	9	1,538	1,926	1,304	18,427	316	18,743
	1906	1	5,828	6,856	51	1,678	1,601	1,008	17,023	256	17 279
	1907	8	6,088	6,776	19	1,740	1,508	827	16,955	350	17,316
United Provinces	1903	...	1,013	4,358	302	481	96	108	6,358	543	6,901
	1904	...	713	5,689	1,196	604	20	104	8 316	578	8,894
	1905	...	962	5,375	1,066	669	57	146	8,275	246	8,521
	1906	...	1,495	3,241	672	474	28	62	5,072	465	6,437
	1907	1	1,240	6,787	275	822	154	26	9,306	682	9,988
Panjab	1903	...	...	1,390	74	505	3	...	1,972	14	1,986
	1904	...	2	992	4	461	...	1	1,460	22	1,482
	1905	...	1	1,419	...	296	53	...	1,779	6	1,785
	1906	...	3	1,308	...	475	39	...	1,775	8	1,783
	1907	...	...	1,963	...	788	55	2	2,808	23	2,831
North-West Frontier Province...	1903	...	1	67	4	617	1	1	691	2	693
	1904	...	2	11	...	403	...	...	416	...	416
	1905	...	29	28	...	154	3	36	250	...	250
	1906	...	...	...	...	125	26	...	151	2	153
	1907	...	...	12	...	92	10	...	114	1	115
Burma	1903	...	4,681	1,872	3	15	2	70	6,643	5,572	12,215
	1904	...	3,981	1,861	12	83	...	167	6,104	5,990	12,094
	1905	...	4,101	1,865	27	8	2	253	6,207	4,106	10 703
	1906	...	4,482	2,262	17	12	9	343	7,125	4,499	11,624
	1907	1	3,938	2,110	24	24	17	122	6 236	5,461	11,697
Central Provinces and Berar ...	1903	...	5,310	8,134	13	2,506	251	1,108	17,412	663	18,075
	1904	...	4,995	8,212	11	2,368	270	995	16,851	778	17,629
	1905	...	5,382	9,274	5	1,828	239	975	17,703	571	18,274
	1906	...	4,624	7,366	12	1,022	144	553	13 721	570	14,291
	1907	...	5,240	7,470	13	925	151	632	14,431	765	15,697
Eastern Bengal and Assam ...	1903	6	8,633	5,068	23	...	8	177	(a) 14,297	105	14,402
	1904	12	7,654	4,207	15	...	43	681	12,612	126	12,738
	1905	10	9,473	8,668	18	128	3	917	19,217	355	19,572
	1906	19	7,920	8,961	17	26	39	611	17,893	424	18,317
	1907	20	8,926	7,757	35	27	32	851	17,648	324	17,972
Coorg	1903	...	671	286	...	...	...	15	972	3	975
	1904	...	539	310	...	...	...	14	863	6	869
	1905	...	641	542	...	...	...	5	1,191	6	1,197
	1906	...	838	390	...	...	...	1	1,229	...	1,229
	1907	...	670	367	...	...	...	10	1,047	4	1,051
Ajmer-Merwara	1903	...	1	...	...	...	...	...	1	...	1
	1904	...	...	4	...	...	...	...	4	1	5
	1905	...	...	15	...	6	...	...	21	...	21
	1906	...	1	6	...	...	...	...	7	...	7
	1907	...	...	5	...	...	1	...	6	...	6
TOTAL ...	1903	7	30,942	40,134	489	9,378	2,513	2,387	86,232	9,991	96,226
	1904	19	28,093	42,812	1,309	9,984	2,580	3,410	88,207	10,376	98,583
	1905	76	30,701	45,310	1,125	9,232	2,422	3,834	92,709	8,099	100,808
	1906	23	28,714	41,768	774	9,842	2,160	3,186	86,467	8,187	94,654
	1907	34	29,503	43,977	3[illegible]0	9,604	2,085	2,832	88,835	9,839	98,674

(a) Includes 382 head of cattle killed in the Lushai Hills, details not available.

Number of wild animals and snakes destroyed and amount of rewards

Province.	Year	By wild animals.							
		Elephants.	Tigers.	Leopards.	Bears.	Wolves.	Hyenas.	Other animals.	Total number of animals.
Madras	1903	...	80	659	53	...	2	2	796
	1904	...	104	647	54	...	...	...	805
	1905	...	92	666	50	...	...	1	809
	1906	...	83	724	78	...	1	20	906
	1907	...	69	646	56	...	...	26	797
Bombay	1903	...	34	156	...	140	8	61	399
	1904	...	53	211	8	191	2	260	725
	1905	...	74	191	8	166	13	414	866
	1906	...	39	206	6	152	13	328	744
	1907	...	59	189	10	135	13	415	821
Bengal	1903	3	214	934	201	65	285	3,941	5,643
	1904	1	215	801	152	58	215	3,771	5,213
	1905	...	117	367	158	31	345	500	1,518
	1906	1	125	415	185	123	223	440	1,521
	1907	1	115	438	128	101	203	618	1,604
United Provinces	1903	...	87	398	423	1,235	401	32	2,576
	1904	...	106	409	374	650	272	32	1,843
	1905	...	121	468	234	727	192	92	1,834
	1906	...	78	533	199	1,254	323	199	2,586
	1907	...	105	577	387	1,702	142	58	2,971
Punjab	1903	...	2	91	81	380	4	...	564
	1904	...	...	137	130	617	...	...	884
	1905	...	...	70	161	611	...	...	842
	1906	...	1	76	177	821	4	4	1,080
	1907	...	...	128	221	463	1	1	827
North-West Frontier Province	1903	...	...	30	5	98	2	...	135
	1904	...	...	15	6	68	...	...	89
	1905	...	...	21	7	122	2	...	152
	1906	...	...	1	...	70	...	...	81
	1907	...	...	25	...	36	...	...	61
Burma	1903	8	311	883	669	...	...	411	2,282
	1904	5	276	826	762	...	...	158	2,027
	1905	9	293	1,002	830	...	...	108	2,242
	1906	4	356	960	745	...	2	202	2,269
	1907	13	344	1,136	815	...	1	82	2,391
Central Provinces and Berar	1903	...	204	647	130	160	...	268	1,409
	1904	...	230	739	128	238	...	347	1,682
	1905	...	196	925	169	351	...	891	2,531
	1906	...	193	752	195	152	...	376	1,668
	1907	...	186	804	203	345	...	333	1,871
Eastern Bengal and Assam	1903	3	342	534	438	...	...	859	2,176
	1904	5	342	548	513	...	2	1,178	2,588
	1905	3	449	1,061	619	8	...	3,633	5,773
	1906	3	471	914	396	5	...	2,953	4,742
	1907	7	406	911	333	6	8	2,317	3,988
Coorg	1903	3	10	33	...	...	...	274	320
	1904	...	9	27	...	...	...	213	249
	1905	...	12	38	...	...	...	208	258
	1906	...	11	25	1	...	...	212	249
	1907	4	10	37	...	...	...	317	368
Ajmer-Merwara	1903	...	1	5	...	2	10	...	18
	1904	...	...	10	...	...	6	...	16
	1905	...	1	2	...	...	2	...	5
	1906	...	...	4	...	...	5	...	9
	1907	...	...	3	...	...	9	...	12
Bangalore	1903	...	...	...	...	...	...	...	...
	1904	...	...	1	...	...	...	...	1
	1905	...	...	...	...	...	...	...	...
	1906	...	...	...	...	...	...	...	...
	1907	...	...	...	...	...	...	...	...
TOTAL	1903	17	1,285	4,370	2,000	2,086	712	5,848	16,318
	1904	11	1,335	4,371	2,127	1,822	497	5,959	16,122
	1905	12	1,355	4,811	2,236	2,016	554	5,847	16,831
	1906	8	1,357	4,620	1,982	2,577	571	4,740	15,855
	1907	25	1,294	4,894	2,153	2,788	377	4,180	15,711

3.

rupees) paid for their Destruction in each calendar year from 1903 to 1907.

REWARDS PAID FOR DESTRUCTION OF									Grand Total.
Elephants.	Tigers.	Leopards.	Bears.	Wolves.	Hyenas.	Other animals.	Total.	Snakes.	
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
...	3,455	10,233	221	...	...	10	13,919	...	13,919
...	3,756	9,912	233	...	...	...	13,901	...	13,901
...	3,587	10,316	227	...	...	10	14,140	...	14,140
...	3,462	10,807	348	...	...	214	14,831	...	14,831
...	2,920	10,306	232	...	...	240	13,698	...	13,698
...	498	1,590	...	447	...	...	2,535	150	2,685
...	804	2,024	72	552	...	...	3,452	152	3,604
...	1,149	1,871	87	470	1	2	3,580	130	3,710
...	690	2,019	72	356	1	...	3,138	128	3,266
...	622	1,773	78	308	...	...	2,981	139	3,120
...	3,727	2,484	346	181	502	147	7,387	340	7,727
...	3,500	1,904	222	190	385	325	6,526	381	6,907
...	3,852	1,407	313	99	300	112	6,173	302	6,475
...	3,263	1,610	379	308	301	206	6,165	306	6,471
300	3,285	1,781	200	340	336	271	6,513	206	6,719
...	945	1,791	1,110	5,267	776	73	9,971	46	10,017
...	846	1,028	984	1,814	521	65	6,158	36	6,194
...	856	2,834	603	3,109	344	674	8,510	112	8,622
...	...	4,284	714	7,032	520	338	13,788	415	14,203
...	200	4,374	1,475	12,885	255	376	19,565	928	20,493
...	8	587	558	1,208	12	...	2,373	1,235	3,608
...	...	1,010	920	2,067	...	...	3,997	1,079	5,076
...	...	404	971	2,013	...	...	3,388	925	4,313
...	16	514	1,356	2,283	...	5	4,174	821	4,995
...	...	900	1,575	1,475	...	...	4,040	629	4,669
...	...	199	35	423	...	...	657	202	859
...	...	104	34	304	...	...	442	185	627
...	...	157	18	542	...	...	717	185	902
...	...	86	...	328	...	...	414	213	627
...	...	110	...	166	...	...	276	150	426
...	11,192	14,191	5,851	...	...	40	31,274	2	31,276
...	10,450	13,032	6,605	...	...	...	30,087	1	30,088
100	10,890	15,636	7,175	...	...	60	33,861	32	33,893
...	12,890	15,053	6,092	...	10	90	34,135	29	34,164
100	12,710	10,077	7,257	...	5	125	30,284	...	30,284
...	9,830	8,089	628	1,062	...	3,723	23,332	115	23,447
...	10,420	10,581	624	1,618	...	4,004	28,237	170	28,407
...	9,635	12,683	826	1,804	...	12,080	38,018	81	38,099
...	9,700	10,247	934	767	...	4,828	26,476	93	26,569
...	8,710	11,327	1,075	1,379	...	4,685	27,176	282	27,458
200	5,586	4,241	2,940	...	...	25	13,004	678	13,682
100	5,543	4,304	3,308	...	...	42	13,267	656	13,923
100	7,452	5,880	4,060	...	...	310	17,811	816	18,627
200	8,380	5,412	3,075	...	...	481	17,548	591	18,138
150	6,735	5,792	2,707	...	12	632	16,023	291	16,319
...	380	745	...	...	...	...	1,125	...	1,125
...	365	543	...	...	...	...	908	1	909
...	580	829	...	...	...	20	1,429	...	1,429
...	280	547	...	...	...	...	827	1	828
...	500	855	...	...	...	5	1,360	...	1,360
...	50	23	...	6	25	...	104	2	106
...	...	40	...	...	18	...	58	2	60
...	7	10	...	...	6	...	23	2	25
...	...	18	...	...	13	...	31	2	33
...	...	15	...	...	27	...	42	3	45
...	...	...	...	...	...	...	...	57	57
...	...	...	...	...	...	...	...	64	64
...	...	...	...	...	...	...	...	91	91
...	...	...	...	...	...	...	...	41	41
...	...	...	...	...	...	...	...	42	42
200	35,671	44,176	11,707	8,594	1,315	4,018	1,05,681	2,827	1,08,508
100	35,654	45,382	13,002	6,545	944	5,406	1,07,033	2,727	1,09,760
200	38,008	52,207	11,280	8,118	660	14,177	1,27,650	2,676	1,30,306
200	38,681	50,606	12,970	11,971	935	6,162	1,21,528	2,639	1,24,167
550	35,882	56,400	14,599	15,553	635	6,344	1,30,963	2,670	1,33,633

No. 4

Number of Licenses issued (free of charge) under the Indian Arms Act, 1878, for the purpose of Destruction of Wild Animals or of Protection of Crops, in each calendar year from 1903 to 1907.

Province.	Year	Number of licenses granted in the year.	Number of licenses granted in previous years and still in force.	Total number of licenses in force in the year.
Madras	1903	400	1,716	2,116
	1904	388	1,668	2,056
	1905	541	1,636	2,177
	1906	723	1,703	2,426
	1907	440	1,857	2,297
Bombay	1903	1,001	3,938	4,939
	1904	654	4,319	4,973
	1905	1,088	4,422	5,510
	1906	647	5,113	5,760
	1907	1,141	5,138	6,279
Bengal	1903	268	1,773	2,041
	1904	663	1,719	2,382
	1905	209	2,005	2,214
	1906	236	1,087	2,223
	1907	285	1,528	1,813
United Provinces	1903	1,116	6,749	7,865
	1904	719	6,221	6,940
	1905	815	5,977	6,792
	1906	554	5,813	6,367
	1907	436	5,696	6,132
Punjab	1903	1,049	4,600	5,649
	1904	1,148	4,583	5,731
	1905	840	4,418	5,258
	1906	477	4,026	4,503
	1907	695	3,633	4,328
North-West Frontier Province	1903	135	274	409
	1904	35	305	430
	1905	94	422	516
	1906	3	461	464
	1907	70	463	533
Burma	1903	541	408	905 (a)
	1904	563	365	888 (b)
	1905	408	467	850 (c)
	1906	453	499	952
	1907	463	571	1,034
Central Provinces and Berar	1903	3,368	9,859	13,227
	1904	4,227	9,493	13,720
	1905	3,844	8,848	32,692
	1906	3,854	9,342	13,196
	1907	4,004	9,330	13,334
Eastern Bengal and Assam	1903	31	135	160
	1904	24	152	176
	1905	1,002	370	1,372
	1906	2,209 (d)	900	3,289
	1907	3,984 (d)	3,087	7,071
Coorg	1903	44	319	363
	1904	68	356	424
	1905	60	392	452
	1906	111	415	526
	1907	278	484	762
Ajmer-Merwara ... / Bangalore		None.	None.	None.
TOTAL	1903	7,953	29,771	37,680
	1904	8,489	29,271	37,720
	1905	8,901	28,957	37,833
	1906	9,357	30,349	39,700
	1907	11,795	31,787	43,583

(a) Excludes 44 licenses withdrawn.
(b) Excludes 40 licenses withdrawn.
(c) Excludes 22 licenses withdrawn and 3 destroyed.
(d) Increase is due to the conversion of licenses in Form VIII to those in Form XI.

Punjab Government Press, Lahore—18-9-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 25, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 12, 1908.

THE HON'BLE THE AGENT TO THE GOVERNOR-GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATION.

Nathiagali, the 1st September, 1908.

No. 1170-*N.*—The next half-yearly examination in the Pashtu language by the Higher Standard will be held at Peshawar, Dera Ismail Khan, Gilgit, Chitral and Lahore Cantonment on Thursday, the 29th October 1908, and following day.

The examination for Tahsildars, Naib-Tahsildars and subordinate officers of the Police and Irrigation Departments will be held at Peshawar and Dera Ismail Khan on the 31st October 1908.

By order, etc.,

J. L. MAFFEY,

Assistant Secretary to the Chief Commissioner,

North-West Frontier Province.

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 19, 1908.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 18th September, 1908.

No. 10.—The following Statute is published for general information:—

THE COMPANIES ACT, 1908.

[8 EDW. 7, CH. 12.]

CHAPTER 12.

An Act to amend the Law with respect to the holding of Land by Companies incorporated in British possessions.

[1st August 1908.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to companies incorporated in British possessions to hold land.

7 Edw. 7 c. 50

1. A company incorporated in a British possession which has, either before or after the passing of this Act, filed with the Registrar of Joint Stock Companies the documents and particulars specified in paragraphs (*a*), (*b*), and (*c*) of sub-section (*1*) of section thirty-five of the Companies Act, 1907, shall have the same power to hold land in the United Kingdom as if it were a company incorporated under the Companies Acts, 1862 to 1907.

Short title.

2. This Act may be cited as the Companies Act, 1908; and the Companies Acts, 1862 to 1907, and this Act may be cited together as the Companies Acts, 1862 to 1908.

J. M. MACPHERSON,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 16th September, 1908.

No 140.—Mr. F. E. Kanthack, Executive Engineer, Punjab, is permitted, at his own request, to resign the service of Government with effect from the 10th October 1908.

The 18th September 1908.

No. 142.—The Governor-General in Council is pleased to order the following promotions to and in the classes of Superintending Engineers of the Public Works Department with effect from the dates specified :—

Name.	From	To	With effect from
			1908.
Gwyther, F. E.	Superintending Engineer, 3rd class	Superintending Engineer, 2nd class *temporary rank.*	15th July.
* *	* *	* *	*
Goument, C. E. V. ...	Superintending Engineer, 2nd class	Superintending Engineer, 1st class, *temporary rank.*	16th July.
Furves, R.E.	Superintending Engineer, 3rd class, *temporary rank.*	Superintending Engineer, 2nd class, *temporary rank.*	16th July.
* *	* *	* *	*
Bird, W. J. A.	Superintending Engineer, 2nd class	Superintending Engineer, 1st class, *temporary rank.*	20th July.
Maclagan, Brevet-Colonel R. S., R.E.	Superintending Engineer, 3rd class	Superintending Engineer, 2nd class, *temporary rank.*	20th July.
Ward, T. R. J., C.I.E. ...	Officiating Superintending Engineer	Superintending Engineer, 3rd class, *temporary rank.*	20th July.
* *	* *	* *	*
Ward, T. R. J., C.I.E. ...	Superintending Engineer, 3rd class, *temporary rank.*	Superintending Engineer, 2nd class, *temporary rank*	3rd August.
Rose, F. C.	Officiating Superintending Engineer.	Superintending Engineer, 3rd class, *temporary rank.*	3rd August.
* *	* *	* *	*

L. M. JACOB,
Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE.

Simla, the 18th September, 1908.

No. 8624—32.—In exercise of the powers conferred by section 7 of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that

with effect from the 1st October 1908, the following amendment shall be made in the rule, published in the Notification of the Government of India in the Department of Commerce and Industry, No. 7397—225, dated the 5th August 1908:

In Rule 1, under the head "*Registered Newspapers,*" for the rates of postage given substitute the following:

For a newspaper not exceeding eight tolas in weight ...	One-quarter of an anna.
For a newspaper exceeding eight tolas but not exceeding forty tolas in weight ...	Half-an-anna.
For every additional forty tolas or part of that weight ...	Half-an-anna.

No. 8664—6.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that, with effect from the 1st October 1908, the following amendments shall be made in the rules published with the Notification of the Government of India in the Department of Commerce and Industry, No. 7397—225, dated the 5th August 1908:

For Rule 20 substitute the following:

20. A parcel shall not exceed 440 tolas in weight, unless it is registered, in which case the weight shall not exceed 10 seers (800 tolas). A parcel shall not be of a kind which, owing to size, shape, manner of packing, or any other cause, cannot be carried by post without serious inconvenience or risk.

For Rule 135 (b) substitute the following:

135. (*b*) The weight of an official postal article shall not exceed 600 tolas when the article is a letter or packet, or 800 tolas when it is a parcel.

No. 8627—8663—6.

The 16th September 1908.

RESOLUTION—By the Government of India, Department of Commerce and Industry.

In a letter No. 152-154, dated the 7th January 1908, the opinion of Chambers of Commerce and Trades Associations was invited on a proposal, which had been made by the Director-General of the Post Office of India, that the maximum limit of weight of inland parcels, which may be conveyed by post, should be reduced from 2,000 tolas (25 seers) to 800 tolas (10 seers). In support of this proposal it was urged that, in view of the facilities which were now available to the public for the transmission of heavy parcels by railway, it was no longer necessary to despatch parcels exceeding ten seers in weight by post. Such parcels were a source of considerable inconvenience to the Post Office—especially in cases where steamer or tonga services or "bhangy runners" had to be employed for the purpose. Moreover, it appeared from the statistics which had been collected that heavy parcels were sent through the Post Office only to a very limited extent. Figures supplied by the Director-General showed that only about 1,700 parcels of more than ten seers in weight were received from the public for conveyance by post in 1906-07.

2. When the replies of the various Chambers of Commerce and Trades Associations were received, it was found that the majority of these bodies were generally in favour of the proposal. Some objections to the withdrawal of what was alleged to be a facility to trade were, however, put forward. The principal objections raised were as follows:—

(*a*) that in 1907 a considerable increase was believed to have occurred in the number of heavier parcels carried over the number conveyed in the previous year.

(*b*) that the withdrawal of the concession would cause inconvenience to members of the public who live off the railway.

3. The Director-General of the Post Office was instructed to examine the statistics of the parcel traffic of 1907-08. The examination made has shown that the total number of private parcels exceeding 800 tolas in weight posted during that year was 1,128, as compared with 1,700 posted in the preceding year, and of these only one half had to be conveyed from the office of posting to the office of destination over runner and tanga lines. It is clear, therefore, that not only has the traffic in heavy parcels not increased, but that it has actually diminished by about a third in one year. No serious inconvenience to the public can, therefore, be apprehended, and it may be added that a large proportion of the heavy parcels actually sent could no doubt be made up into a larger number of lighter parcels, which would not exceed in weight the proposed limit of 800 tolas.

4. The Government of India have accordingly decided that from the 1st October 1908 the limit of weight of private inland parcels carried by the post should be reduced to 800 tolas. From the same date the limit of weight of official parcels will be raised from 600 to 800 tolas, so that the limits may be uniform.

ORDER.—Ordered that this Resolution be published in the *Gazette of India*.

ORDERED, also, that the Resolution be communicated to all Departments of the Government of India, to all Local Governments and Administrations, to all heads of Departments subordinate to this Department, the Secretary to the Railway Board and the Examiner of Telegraph Accounts.

GEOLOGY AND MINERALS.

The 17th September, 1908.

No. 8706—103.—The following draft rules which it is proposed to issue in exercise of the power conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), are published as required by the said section for the information of persons concerned. The draft notification has been prepared with the object of consolidating the existing notifications publishing rules applicable to all mines, and does not purport to introduce any material alterations in the rules.

2. The draft will be taken into consideration by the Governor General in Council on or after the 19th day of December 1908, and any objection or suggestion which may be received from any person with respect to the draft before that date will be considered by the Governor General in Council.

Draft Notification.

IN exercise of the powers conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), the Governor General in Council is pleased to make the following rules for the whole of British India in respect of all mines.

No. 302—95-5, dated 27th January 1904.
No. 3952—36, dated 10th May 1907.
No. 7861—36, dated 19th September 1907.
No. 10014—100, dated 4th December 1907.

The notifications noted on the margin are hereby cancelled.

Notification No. 3952—36, dated 10th May 1907.

Annual returns.

1. Forms I, II, III and IV in the Schedule hereto annexed shall be (1) filled up in duplicate by the agent, or, if there is no agent, by the owner or manager of a mine, and one copy of each shall be forwaded to the Chief Inspector of Mines and the other to the District Magistrate not later than the 1st February (2) in each year.

Notification No. 7861—36, dated 19th September 1907, rule 4.

Notice of abandonment.

2. When a mine, seam or vein has been abandoned for more than one month, or the working thereof discontinued for more than two months, the owner of the mine, seam or vein shall, within seven days after the expiry of such period send notice to the Chief Inspector of Mines specifying the name and situation of the mine, the name of the owner and the date and cause of abandonment or discontinuance.

Notification No. 7861—36, dated 19th September 1907, rule 5.

Notice of re-opening.

3. When a mine, seam or vein is re-opened after abandonment or discontinuance, the owner shall send notice to the Chief Inspector of Mines within one month after the date of re-opening.

Do. rule 6.

Change of name of owner, or of mine.

4. When a change occurs in the name of a mine, or of an owner or agent of a mine, notice of the change shall be sent by the owner, agent or manager to the Chief Inspector of Mines within one month after such change.

Notification No. 10014—101, dated 4th December 1907, rule 1.

Notice of extension to vicinity of railway.

5. If the owner, agent or manager of any mine intends to extend any mining operations under his control at or to any point within fifty yards of any railway subject to the provisions of the Indian Railways Act, 1890, he shall give the Chief Inspector of Mines and the Railway Administration concerned notice in writing of his intention so to do sixty days before the commencement of such extension.

(1) Under section 22 (2) (*b*) of the Indian Mines Act, failure to forward correct returns to the Chief Inspector of Mines not later than 1st February in each year will render the agent, owner or manager liable on conviction to a penalty which may extend to Rs. 500.

(2) It will greatly facilitate the preparation of the Statistics if the returns are despatched as soon as possible after the close of the year.

Expiry of notice under rule 5.

6. If the operations in respect of which notice is given under rule 5 are not commenced within twelve months from the expiry of the period of sixty days therein referred to, the notice shall be held to have expired and a fresh notice shall be given by the owner, agent or manager of the mine, under rule 5. Notification No. 10014—100, dated 4th December 1907, rule 2.

Particulars to be given in notice under rule 5.

7. The notice to be given under rule 5 shall specify the position of the working of the mine in relation to the railway in question, the manner in which it is proposed to carry out the intended new operations, the limits to which it is proposed to carry the said operations, and whether the operations are actually in progress, and shall include a plan showing the existing and the intended mining operations in so far as they affect the railway in question. Do. rule 3.

Notice of accidents.

8. When an accident occurs in or about a mine causing loss of life or serious bodily injury, or when an accidental explosion occurs in a mine, the owner, agent or manager of the mine shall within twenty-four hours of the occurrence of such accident, give notice of the accident to the Chief Inspector of Mines by despatching to the Magistrate of the district or to the Sub-divisional Magistrate, for transmission to the Chief Inspector of Mines, a notice in form V in the schedule hereto annexed. Notification No. 7861—36, dated 19th September 1907, rule 1.

Explanation.—An injury is said to be serious which involves or will in all probability involve the loss of or permanent injury to any limb, or to the sight or hearing, or fracture of any limb, or enforced absence from work for twenty days, or which is declared by any medical officer to be serious.

Notice of deaths from injuries.

9. When any person dies from the result of an injury already reported as serious under rule 8, the owner, agent or manager of the mine shall send notice, within twenty-four hours of his being informed of the death, to the Chief Inspector of Mines, through the Magistrate of the district or the Sub-divisional Magistrate. Do.

Appeals.

10. From every order passed by the Chief Inspector of Mines under section 6 clause (*d*), an appeal shall lie to the Mining Board, if a Mining Board has been constituted under section 9 of the said Act for the Province or part of the Province where the mine in respect of which the order was made is situate, and elsewhere to the Chief Controlling Revenue-authority, as defined in section 2, clause (8), of the Indian Stamp Act, 1899 (II of 1899). Notification No. 302—95-5, dated 27th January 1904.

THE SCHEDULE.

FORM I.

Year ending on the 31st December 190 .

Notification No. 3952—35, dated 10th May 1907.

1. Name of mine.

2. Date of opening.

3. Date of closing (if closed).

4. Means by which mineral is raised from the mines.

5. Situation of Mine. { District. Province.

6. Name and postal address of { Owner / Managing Agent / Agent / Manager / Assistant or Under Manager.

Notification No. 3952—36, dated 10th May 1907.

FORM II.

Average number of persons employed daily during the year ending on the 31st December 190 .

Name or No. of pit, plot or excavation.	BELOW GROUND.				ABOVE GROUND.				Gross total below and above ground.
	Male adults, 2.	Female adults, 2.	Children under 12.	Total.	Male adults, 2.	Female adults, 2.	Children under 12.	Total.	
1	2	3	4	5	6	7	8	9	10
Total ...									

1. Aggregate number of daily attendances (permanent and temporary) divided by the number of working days.
2. Persons over twelve years of age.

Ditto.

FORM III.

Output of Mineral during the year ending on 31st December 190 .

Name or No. of pit, plot or excavation.	Depth from the surface of the lowest point of the seam or vein worked in feet.	Name of mineral worked	Total amount of mineral raised 3. [1]	Total value at the mine of mineral raised 3. [2]	Number of days worked.	IN CASE OF COAL MINES.			
						Number of coke ovens.	TONS OF COKE PRODUCED.		Kind of ovens.
							In open heaps.	In ovens.	
1	2	3	4	5	6	7	8	9	10
Total ...									

1. Including, in the case of coal mines, coal raised for colliery consumption or made into coke, and stated—
   (a) in the case of gold—in troy ounces;
   (b) in the case of gem-stones—in carats;
   (c) in the case of alum, amber, asbestos, chromite, corundum (not being gem corundum) graphite, jadestone mica, steatite and tin-ore—in cwts., or where the circumstances require greater particularisation in order to give an accurate estimate of small outputs, in cwts., and lbs.,
   (d) in the case of clays, coal, coke, iron-ore, lime-stone, magnesite manganese-ore, other unspecified metalliferous ores, salt and slate—in tons.
2. Actual or estimated wholesale price at pit's mouth, cost of loading, if any, being deducted.
3. Figures for mica should relate to the quantity and value of marketable mica consigned.

Ditto

FORM IV.

Accidents and Inspections.

NO. OF SEPARATE ACCIDENTS REPORTED DURING THE YEAR.			NO. OF PERSONS.		No. of prosecutions under the Act, with the section under which the prosecution was instituted.	No. of persons convicted under the Act, with the sections under which the convictions were obtained.	NO. OF INSPECTIONS.		
Fatal.	Serious.	Total.	Killed.	Seriously injured.			By District Officers.	By Mines Inspector.	Total.
1	2	3	4	5	6	7	*8	*9	*10

* It is optional to supply the information required by columns 8, 9 and 10. They will be filled in by the Mines Department when left blank by Mine Agents or owners.

Signature of Agent, Owner, or Manager. } ______________________

______________________ 190 .

FORM V.

Notice of Accident.

Notification No. 7861—36, dated 19th September 1907, rule 1.

FROM—

TO—The Inspector of Mines, through the District/Sub-divisional Magistrate of

Dated 190 .

SIR,

I have the honour to furnish the following particulars of a fatal/serious accident / an accidental explosion which has occurred at the Mine :—

Situation of the mine. 1. (Village, Station, District, Province.)			
2. Mineral worked			
3. Name and postal address of owner ...			
4. Name and sex of persons—		Age.	Occupation.
Killed.	Injured.		
5. Date and hour of accident ...			
6. Place of accident			
7. Cause and description of accident ...			
8. Classification of accident * ..			
9. Nature of injury, and, if fatal, cause of death.			

I have the honour to be,
SIR,
Your most obedient Servant,
Owner,
Agent,
Manager.

* *Under one or other of the following heads, namely:—*

Notification No. 7861-36, dated 19th September 1907, rule 2.

(1) *Explosions of fire damp*; (2) *falls of roof*; (3) *falls of sides*; (4) *in shafts (overwinding)*; (5) *in shafts (ropes and chains breaking)*; (6) *in shafts (whilst ascending or descending by machinery)*; (7) *in shafts (falling into the shafts from the surface)*; (8) *in shafts (falling from part of the way down)*; (9) *in shafts (things falling from the surface)*; (10) *in shafts (things falling from part of the way down)*; (11) *in shafts miscellaneous)*; (12) *suffocation by gases*; (13) *by explosives*; (14) *irruptions of water or falling into water*; (15) *haulage*; (16) *by underground machinery*; (17) *sundries underground*; (18) *by surface machinery*; (19) *surface boilers or pipes bursting*; (20) *on surface railways or tramways belonging to the mine*; (21) *miscellaneous on surface.*

RAILWAYS.

No. 8772—8814.

The 18th September 1908.

RESOLUTION—By the Government of India, Department of Commerce and Industry.

In a Resolution of the Government of India, No. 256-G., dated the 18th February 1905, in the Public Works Department (Railway Branch) it was announced that the Railway Branch of the Public Works Department of the Government of India would be abolished, and that the control of the railway system in India would be entrusted to a Railway Board consisting of three persons—a Chairman and two members. The Chairman was vested with the general control of all questions committed to the Railway Board, and with power to act on his own responsibility, subject to the confirmation of the Board. It was stated that the ultimate decision on the greater questions of railway policy and finance affecting all lines must of necessity rest with the Government of India, and in the Resolution of the Government of India in the Home Dapartment, No. 539—569, dated the 1st March 1905, by which the Department of Commerce and Industry was constituted, it was ordered that all railway questions requiring reference to the Government of India should come under the cognizance of that Department. In accordance with these orders all railway cases requiring the orders of the Government of India have been referred by the Board to the Department of Commerce and Industry, and have been dealt with in the usual way by the Secretariat of that Department.

2. His Majesty's Secretary of State has now decided, after considering the recommendations of the Railway Finance Committee, that the following changes should be introduced :—

(1) The constitution of the Board will be altered by giving the Chairman, who will in future be styled the President, power to over-rule his colleagues in case where he is unable to accept their views. In such cases the members over-ruled will be at liberty to represent their views to the Government of India in writing.

(2) The title of the Board will be unchanged, but the Board with its staff will be known collectively as the Railway Department, and will be distinct from, and independent of, the Department of the Commerce and Industry Secretariat.

(3) The President of the Board will have direct access to the Viceroy and to the Honourable Member of the Department of Commerce and Industry as if he were a Secretary to the Government of India.

3. The Governor-General in Council is pleased to direct that these changes shall take effect from the 1st October 1908. All communications on railway matters with other Departments of the Government of India, with Local Governments and with the public will from that date be made to and from the Railway Board direct.

ORDER.—Ordered that a copy of this Resolution be communicated to the several Departments of the Government of India, for information and communication to subordinate officers and Departments, to all Local Governments and Administrations, to all Chambers of Commerce, and to the officers* named in the margin.

*Secretary to the Railway Board.
Director-General of the Post Office of India.
Director-General of Telegraphs.
Director, Geological Survey of India.
Director-General of Commercial Intelligence.
Controller of Printing and Stationery.
Chief Inspector of Explosives.
Reporter on Economic Products to the Government of India.
Chief Inspector of Mines.
Secretary to the Trustees, Indian Museum.

Ordered also that the Resolution be published in the *Gazette of India*, for general information.

B. ROBERTSON,
Secretary to the Government of India.

DEPARTMENT OF MILITARY SUPPLY.

Simla, the 18th September, 1908.

MEDICAL DEPARTMENT.

No. 82.—With reference to paragraph 7 of Military Department Notification No. 1047, dated the 24th October 1903, in which revised rates of pension were prescribed for officers of the Indian Medical Service, it is hereby notified that the Right Hon'ble the Secretary of State for India has sanctioned a rate of pension at £600 per annum for officers who have completed 27½ years' service for pension. This new rate of pension will have effect from the 2nd August 1908.

E. W. S. K. MACONCHY, *Colonel*,
Secretary to the Government of India.

Punjab Government Press, Lahore—25-9-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 2, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED SEPTEMBER 26, 1908.

HOME DEPARTMENT.

NOTIFICATION.

ECCLESIASTICAL.

Simla, the 23rd September, 1908.

No. 502.—The Reverend Octavius John Loynes has been appointed a Chaplain on probation on the Bengal (Lahore) ecclesiastical establishment to fill an existing vacancy.

H. A. STUART,

Offg. Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Simla, the 24th September, 1908.

No. 2348—138-2.—*Erratum.*—In the notification No. 2290, dated the 17th December 1907, of the appointment of Mr. S. Carless to the Civil Veterinary Department, *for* "24th November" *read* "23rd November."

R. W. CARLYLE,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATION.

Simla, the 24th September, 1908.

No. 3806-*I.B.*—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make, with effect from the 1st October, 1908, the following addition to the schedule appended to the Notification of the Government of India in the Foreign Department, No. 531-I.B, dated the 4th February, 1904, namely :

XXXI.—The Court-fees Amendment Act, 1905 (VI of 1905).

S. H. BUTLER,

Secretary to the Government of India.

FINANCE DEPARTMENT (MILITARY FINANCE).

NOTIFICATION.

PAY AND ALLOWANCES.

FUNDS.

Simla, the 25th September, 1908.

INDIAN MILITARY SERVICE FAMILY PENSION REGULATIONS.

No. 2233-*P.*—With the approval of the Right Hon'ble the Secretary of State for India the Governor General in Council directs the publication for the information of all concerned of a revised edition of the rules of the Indian Military Service Family Pension Regulations.

The following regulations are designed to secure suitable provision for the widows and orphans of officers of the Indian Army, officers of the Indian Medical Service, and Chaplains on the Indian Establishment, not being subscribers to the late Military and Medical Funds; also officers and engineers of the Royal Indian Marine, and continuous service Royal Artillery and Royal Engineer officers, as well as Royal Engineer officers under the 1904 conditions of service, who elect to subscribe.

Such pensions and compassionate allowances as are, by Royal Warrant, granted to the widows and families of British military officers, are already granted, from Indian revenues, to the widows and families of military officers in the service of the Government of India, who are excluded from the advantages of the late Military and Medical Funds; and it is to be clearly understood that the Government of India does not intend by these present supplementary regulations to sanction any further expenditure for this object from the Indian revenues. On the other hand, the Government of India does not, of course, wish that the Indian revenues should in any way profit by these regulations.

The Secretary of State for India in Council has reserved to himself the absolute right to regulate from time to time the contributions to be required from officers, in accordance with these principles, under these regulations, and to make any alterations in the regulations themselves that may appear to him equitable: provided always, that the scale of pensions fixed thereby shall not be reduced in the case of actual incumbents. The Secretary of State in Council will endeavour to adjust the contributions to be levied from officers exactly, so that they shall neither be too large nor too small to supply the pensions provided for by these regulations. But if it should appear on experience that they have been fixed too low, the Government will not require any supplementary retrospective payments; and if they are found to have been fixed too high, no claim to refund will be admitted.

No insurance fund is established by these regulations. The contributions will be credited and the pensions charged directly to the Indian revenues as military receipts and charges. But in order to adjust the rates of contribution from time to time to what is necessary to supply the pensions provided for by these regulations and no more, a separate *pro formâ* account will be kept of all contributions levied and all payments made under these regulations, and of the interest which would have been allowed upon such contributions if a mutual insurance fund had actually been established.

In accordance with the principle announced in this notification, that the Government does not intend that the pensions provided by these regulations shall be any charge to the Indian revenues, the rates of interest and of exchange with England, to be allowed in this *pro formâ* account, will be the rates which may be fixed from time to time by the Secretary of State in Council upon a consideration of the market rates of the day.

All needful statistics of ages, births deaths and marriages will be carefully registered, and these statistics, with the *pro formâ* accounts, will be submitted at such periods as may be determined by the Secretary of State in Council to such actuary or actuaries as he may select, with instructions to investigate and ascertain whether the rates of contribution are such as will, at the rate of interest and exchange then to be reconsidered and refixed, supply the pensions payable under these regulations, and no more. The expense of such actuarial inquiries and reports shall be debited in the *pro formâ* accounts reported upon.

Upon the report of the actuary or actuaries, the Secretary of State in Council will order any necessary alterations in the rates of contribution.

The report of the actuary or actuaries, with the orders of the Secretary of State in Council thereupon, shall be published in the *Gazette of India*, and any alteration ordered in the rates of contribution will take effect from the beginning of the month following the date of such publication. No retrospective adjustments will be made.

REGULATIONS FOR THE PROVISION OF PENSIONS FOR THE WIDOWS AND ORPHANS OF MILITARY, MEDICAL, MARINE, AND ECCLESIASTICAL OFFICERS IN THE SERVICE OF THE GOVERNMENT OF INDIA.

1. Pensions will be provided under these regulations for the widows and orphans of the following officers on the Indian Establishment, not being entitled to the benefits of any of the late Military and Medical Funds :—

Officers of the Indian Army.*

Officers of the Indian Medical Service, including natives who avail themselves of the option given to them of becoming subscribers.

Chaplains, including probationary Chaplains.†

2. Any officer who has entered the service before the 1st of January 1873 may provide pensions for his family under these regulations or not, at his option. (*See Appendix, Form A.*)‡

3. Every officer who enters the service on and after the 1st January 1873 must, as a condition of his appointment, provide pensions for his family under these regulations.

4. Any officer with whom, by Regulation 2, it is optional to provide pensions for his family under these regulations, but who does not, before the 1st of July 1873, intimate his intention to make such provision, will thereafter be allowed to do so only on production of a medical certificate of sound bodily health. An officer who does not, before the 1st of July 1874, announce his intention to provide pensions for his family under these regulations, will not be allowed to do so save under the special order of the Governor-General in Council.

5. For the purposes of these regulations officers are *classed* as follows (for Marine officers, *see* 5B) :—

Class I.—Lieutenant-Colonels in receipt of Colonels' Allowances and Surgeon-Generals. (*See also* Article 9.)

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* Officers of the Indian Army become subscribers from the date of the "Gazette of India" announcing their admission to that army; Medical Officers and Chaplains from the date of their arrival in India, or, in the case of a Chaplain resident in India, from the date of his appointment.

† A probationary Chaplain is required to subscribe, but in the event of his not being appointed a junior Chaplain on completion of probation, or of his resigning while on probation, he will be granted a refund, if married, under the provisions of Regulation 25, and if unmarried, of the amount of his contributions, without interest.

‡ Officers who elect to become subscribers must pay their subscriptions and donations from the date of the establishment of the fund, with interest.

Class II.—Officers of the Indian Army, Royal Artillery, and Royal Engineers of 26 years' service,* Archdeacons, Colonels, and Lieutenant-Colonels of the Medical Service.

" III.—Officers of the Indian Army, Royal Artillery, and Royal Engineers of 18 years' service,* Senior Chaplains and Majors of the Medical Service.

" IV.—Officers of the Indian Army, Royal Artillery, and Royal Engineers of 9 years' service,* Junior and probationary Chaplains, and Captains of the Medical Service who have served for more than six years.

" V.—Officers of the Indian Army, Royal Artillery, and Royal Engineers under 9 years' service,* Captains of the Medical Service who have served for less than six years, and Lieutenants of the Medical Service.

Note.—No Officer of the Indian Army, Royal Artillery, or Royal Engineers will be compelled to subscribe in Classes II, III, or IV, who has not attained the rank of Lieutenant-Colonel, Major, or Captain, as the case may be. Such an officer must elect, within three months from the date of completing the qualifying service, whether he will (*i*) subscribe in the Class in which his length of service places him, or (*ii*) continue to subscribe in the lower Class. If he elects (*i*), he will be charged the donation and increased subscription from the date of completing the prescribed service; if (*ii*), he will, in the event of subsequent promotion, be charged the donation and increased subscription from the date of such promotion.

An Officer cannot enter a higher Class unless he has previously subscribed in the Class immediately below it.

5A. Royal Artillery and Royal Engineer officers who have been selected, or who have elected, for continuous service in India have the option of subscribing under these regulations, in accordance with the conditions laid down in Articles 789 to 794, Army Regulations, India, Volume I (1905 edition).

Royal Engineer officers under the 1904 conditions of service must elect within three months of their arrival in India, whether they desire to subscribe for benefits under these Regulations, and they must submit a satisfactory medical certificate. On payment of the prescribed donations, according to their rank at the time of their application, they will be allowed to subscribe for so long as they remain on the Indian Establishment. On reversion to the Imperial Establishment, such officers cannot continue subscribers; but they will be entitled to receive back such portion of their contributions as may be in excess of the risk borne during the term of their membership. In the event of an officer retiring while subscribing, he may continue to subscribe, provided that he has not less than 20 years' service for Indian pension, reckoned as in paragraph 720, Army Regulations, India, Volume I (1905 edition), at the date of his retirement, or provided that he retires on an Indian invalid pension; or he may withdraw, receiving back such portion of his contributions as may be in excess of the risk borne during the term of his membership.

5B. Officers and engineers who entered the Royal Indian Marine prior to the 1st January 1893 were allowed the option of subscribing under these regulations from that date. Those who elected to do so will not be permitted to discontinue their subscription so long as they remain in the service, neither will those who declined to subscribe be allowed at any future time to become subscribers.

Officers and engineers admitted to the Royal Indian Marine subsequently to the 1st January 1893 must subscribe under these regulations as a condition of their appointment to the service.

Classification.

Class III.—First Grade Commanders.

" IV.—Second and Third Grade Commanders and Chief Engineers.

" V.—Lieutenants, Engineers, Sub-Lieutenants, and Assistant Engineers.

Any officer holding a first-class port appointment, or the appointment of Deputy Director of the Royal Indian Marine, may at his option subscribe in the next higher class to that in which he is placed according to his grade as Commander, provided that such option is exercised within three months from the date on which the officer could first avail himself of it, and that arrears of subscription from that date, with interest, if any, are paid by him.

An officer who has elected to subscribe in a superior class will not subsequently be allowed to revert to a lower class.

6. The pensions provided under these regulations are payable monthly in India, and quarterly in England, and to date of death.

* Reckoned from date of first Commission.

7. The amount of the pensions provided are as follow, in addition to any pensions or compassionate allowances granted under Royal Warrant.

TABLE I.—Pension to a Widow during Widowhood according to the Class of her Husband at the time of his death.

	Class of Husband at Death.				
	I.	II.	III.	IV.	V.
	£	£	£	£	£
Amount of pension to widow per annum	160	130	100	70	40

TABLE II.—Pensions to the Orphan Children of all Classes alike.

	From birth till age of 6 years.	From age of 6 till age of 12 years.	From age of 12 till age of 21 years.	To females only from age of 21 years for life, or till marriage.
	£	£	£	£
Amount of pension to each orphan per annum ...	10	20	30	45

NOTE.—Annuitants residing in India may either receive their pensions in Indian currency at the official rate of exchange, or in England in sterling, but having once exercised the option any subsequent change can only be permitted at the commencement of the official year.

8. The pension of a minor orphan will be paid to his or her mother, or other duly appointed or recognized guardian.

Contributions.

9. The contributions for pensions under these regulations, and the pensions of widows, will be regulated by the class of the contributing officer. An officer cannot secure a higher pension for his widow by contributing as if he belonged to a higher class.

As an exception to this rule, the option of subscribing in Class I is allowed as follows:—

(i) To an officer of the Indian Army, also to an officer of the Royal Artillery or Royal Engineers who is a subscriber under these Regulations, at the time of completing 31 years' service on full pay from date of first commission, provided he has previously subscribed in Class II.

(ii) To a medical officer at the time of completing 25 years' full pay service, provided he has not previously been promoted to the rank of Surgeon-General, but has previously subscribed in Class II.

(iii) To an Archdeacon at the time of completing five years' service as such (excluding any officiating period), provided he has attained the age of 49 years.

To secure these benefits without medical examination the decision of the officer must be notified within three months of the date of completing the qualifying service, but the option can be exercised at any subsequent period during active service on the production of a certificate of health signed by two qualified medical practitioners.

10. Contributions will be deducted by paymasters or other disbursing officers from the pay abstracts of officers contributing.

10A. The circumstance that an officer is not in receipt of pay does not relieve him from the necessity of paying his contributions.

11. *Donations* may be paid in one sum, or in 12 equal monthly instalments as per Tables III, IIIA, and V. The balance of any contribution due at an officer's death will be recovered rateably, without interest from the pensions of his widow and orphans, in 12 monthly instalments.

13. The following are the rates of donations and monthly contributions prescribed for the present:

TABLE III.—Donations of married officers.

Class of Contributor.	On entering the service of the Government of India married or on marriage, or re-marriage.			
	Fixed Sterling Rates.		Reduced temporarily 25 per cent.	
	Donation.	Or in 12 monthly instalments of	Donation.	Or in 12 monthly instalments of
	£	£ s. d.	£	£ s. d.
Class I	384	32 13 4	288	24 10 0
" II	192	16 6 8	144	12 5 0
" III	96	8 3 4	72	6 2 6
" IV	48	4 1 8	36	3 1 3
" V	24	2 0 10	18	1 1 8
	On promotion to the class specified.			
Class I	72*	6 2 6†	54‡	4 11 11§
" II	36	3 1 3	27	2 6 0
" III	24	2 0 10	18	1 10 8
" IV	12	1 0 5	9	0 15 4

*Up to the age of 56, increasing by 3l for every year or fraction of a year beyond that age.
†Up to the age of 56, increasing by 5s. 1d. for every year or fraction of a year beyond that age.
‡Up to the age of 56, increasing by 2l. 5s. for every year or fraction of a year beyond that age.
§Up to the age of 56, increasing by 3s. 10d. for every year or fraction of a year beyond that age.

TABLE IIIA.—Excess Age Donations.

In addition to the marriage donations payable under Table III, the following "Excess Age" donations will be chargeable according to the officer's age in each class:

Class of Contributor.	—		Fixed Sterling Rates.		Reduced temporarily 25 per cent.	
			Donation.	Or in 12 monthly instalments of	Donation.	Or in 12 monthly instalments of
			£ s. d.	£ s. d.	£ s. d.	£ s. d.
Class I	For each year of age exceeding.	53	12 0 0	1 0 0	9 0 0	0 15 4
" II		48	9 0 0	0 15 4	6 15 0	0 11 6
" III		42	6 0 0	0 10 3	4 10 0	0 7 8
" IV		35	3 0 0	0 5 1	2 5 0	0 3 10
" V		30	1 10 0	0 2 7	1 2 6	0 1 11

Disparity of Age.

If the age of the husband exceed that of the wife by 12 or more years, a disparity donation in addition will required as shown in Table IV, a copy of which can be obtained on application to the Director of Funds, India Office, or to either of the Fund Offices in India.

TABLE V.—Donation, payable by all classes alike, on the Birth of a Child, and, on entering the service of the Government of India, for each child then living.

	Fixed Sterling Rates.		Reduced temporarily 25 per cent.	
	Donation.	Or in 12 monthly instalments of	Donation.	Or in 12 monthly instalments of
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
For a son	15 0 0	1 5 6	11 5 0	0 19 2
For a daughter	24 0 0	2 0 10	18 0 0	1 10 8

All officers who, on admission as subscribers, bring on liabilities for daughters exceeding the age of one year, are required to pay an extra donation as specified below:

Between the ages of	Fixed Sterling Rates.		Reduced temporarily 25 per cent.	
	Donation.	Or in 12 monthly instalments of	Donation.	Or in 12 monthly instalments of
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1 and 2	4 10 0	0 7 8	3 7 6	0 5 9
2 and 3	6 15 0	0 11 6	5 1 3	0 8 8
3 and 4	8 5 0	0 14 0	6 3 9	0 10 6
4 and 5	9 5 0	0 15 9	6 18 9	0 11 10
5 and 6	10 0 0	0 17 0	7 10 0	0 12 9
6 and 7	10 5 0	0 17 5	7 13 9	0 13 1
7 and 8	10 10 0	0 17 10	7 17 6	0 13 5
8 and 9	10 15 0	0 18 3	8 1 3	0 13 8
9 and 10	10 15 0	0 18 3	8 1 3	0 13 8
10 and 11	10 15 0	0 18 3	8 1 3	0 13 8
11 and 12	10 15 0	0 18 3	8 1 3	0 13 8

TABLE VI.—Monthly Contribution by every Officer according to his class.

Class of Contributor.	By each married officer.		By each Officer who is unmarried or a widower.	
	Full Rates.	Half Rates.	Full Rates.	Half Rates.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Class I	4 15 10	2 7 11	2 8 0	1 4 0
	3 12 0*	1 16 0*	1 16 0*	0 18 0*
" II	3 16 8	1 18 4	1 10 8	0 15 4
	2 17 6*	1 8 9*	1 3 0*	0 11 6*
" III	2 17 6	1 8 9	1 3 0	0 11 6
	2 3 2*	1 1 7*	0 17 4*	0 8 8*
" IV	1 18 4	0 19 2	0 13 4	0 6 8
	1 8 10*	0 14 5*	0 10 0*	0 5 0*
" V	0 19 2	0 9 7	0 7 8	0 3 10
	0 14 6*	0 7 3*	0 5 10*	0 2 11*

* Temporary reduction of 25 per cent.

NOTE.—Half rates are payable by officers on leave, excepting privilege leave, in or out of India; officers in receipt of Colonel's pay and allowances at the English rate, and officers permitted to re ide out of India who have attained the age of 51 years. For half-pay officers, *see* Regulation 27; and for retireed officers, *see* Regulation 28.

TABLE VII.—Additional Monthly Contribution payable by all classes alike, for each Child living on the First Day of the Month.

	Fixed Sterling Rates.	Reduced temporarily 25 per cent.
	s. d.	s. d.
For a son, until age of 21†	1 11	1 6
For a daughter, until marriage	4 10	3 8

† *See* Regulations 20 and 20 A.

Arrears.

13. Interest at the rate of 4½ per cent. per annum will be charged on arrears. Donations will become due from the date on which the liability is incurred, *viz.*, on marriage, on promotion,‡ or on the birth of a child; but interest will not be charged on sums paid within one month from the date on which they become due.

‡ Except when promotion is uncertain. In such cases the date on which the liability is incurred will be the date of the Gazette of India in which the promotion is notified, or, when a Royal Artillery or Royal Engineer officer is in England, the date of the *London Gazette.*

Reports of Marriages, Births and Deaths.

14. An officer who is married at the date of his admission into the service must report the fact of his marriage at the time, and the names and dates of birth of his children, if any have been born to him. A member in the service must report his marriage, or the birth of a child born in wedlock, or the death of a wife or child within one month of the occurrence, to the Controller of Military Accounts, Eastern Circle, Calcutta, or to the Examiner, Marine Accounts, Bombay, as the case may be.§ Forms for this purpose are given in the Appendix.

15. The birth of every child born alive must be reported; but if a child die before it is 30 days old, no payment in respect to it will be required.

16. If the report of a marriage, or of the birth of a child, be not made within one month of the occurrence, the donation payable in each case will be increased 2½ per cent., and interest thereon charged from the date of marriage, or birth of the child. After six months' delay, donations will be increased 5 per cent., and interest charged as above. After 12 months' delay, medical evidence as to the state of the subscriber's health must be furnished.

§ Or to the Director of Funds, India Office, when an Officer is in Europe.

17. In the event of the report of a marriage, or the birth of a child, not being made by a subscriber during his lifetime, in accordance with the rules, the widow or child will not be entitled to any benefits.

Posthumous Child.

18. A pension will be granted to a posthumous child on payment of the donation prescribed in Table V, which may be recovered by 12 monthly instalments without interest. The report of the birth of a posthumous child must be made in Form D, the last sentence being omitted, and a certificate of the child's birth furnished.

Duration of Pensions.

19. If a widow re-marry her pension will cease during coverture, but if she again become a widow she will be entitled to revert to her pension as widow of her first husband, or, if her last husband have been a contributor, to receive a pension at her option as the widow of her last husband. A widow can only receive one pension.

20. The pension of a male orphan is payable until he attains the age of 21 years.

20A. Subscribers can make special provision for pension to sons who may become permanently incapacitated from earning a livelihood.

The pensions so provided for will commence at the age of 21, if the son be then fatherless, or, after that age, on his becoming fatherless, and as regards the amounts of such pensions, and the subscriptions to be paid to secure them, each case will be considered and determined on its merits.

21. The mother or guardian of a male orphan who has completed the age of 16 may with the sanction of the Secretary of State for India in Council, at any time thereafter (on application in Forms F to H annexed to these regulations), have the residue of his pension commuted into a single payment, for the due application of which the mother or guardian will be held responsible. The following table gives the commuted value of such pensions:—

TABLE VIII.—Showing the present Value of the Pension of a Male Orphan according to his age.

Years.	16	17	18	19	20
Months.	£	£	£	£	£
0	129	106	81	56	28
3	123	100	75	49	21
6	117	94	68	42	14
9	211	87	62	35	7

22. The pension of a female orphan continues until her marriage, and then ceases absolutely. It does not revive on widowhood.

Good Conduct.

23. The pensions provided under these regulations shall, in all cases, be held during good behaviour only, and will be withheld if any pensioner is found to be leading an immoral life, or on proof of any gross misconduct. The order of the Secretary of State for India in Council in any such case shall be final and conclusive.

Alienation of Pension.

24. A pension paid under these regulations may not be transferred or assigned, or in any way alienated from the pensioner to whom or for whose benefit it is payable.

Passage Money.

25. An officer may, by a special contribution, provide passage money from India for his widow and orphans. The amount so secured will be paid to the widow, or to any children of the deceased officer, for the provision of their passage money and contingent expenses. If, however, the surviving members of the deceased officer's family are not in India, or do not wish to leave India for any other country, the money will be credited to the deceased officer's estate, and payment can be made in India in rupees, or in England at the official rate of exchange, according to the election of the person or persons entitled to receive the money. The amount secured must not exceed Rs. 3,000, and a health certificate must in every case be furnished by the subscriber.

25A. This insurance may be effected by an immediate payment in one sum, or, if the subscriber so desires it, by instalments extending over four years subject to interest on arrears at the rate of 3½ per cent. per annum, and in the event of a subscriber dying before completion of the payment, the balance due at the date of his death will be deducted from the sum assured.

25B. On the permanent departure of a subscriber from India with his family, or at any time thereafter, he may take the surrender value of his insurance.

25C. The following are the tables of premia and of surrender values :—

Interest 3½ per cent.

PREMIA required at the under-mentioned Ages to secure Rs. 1,000 at Death.

Age (nearest).	Single Premium.	Age (nearest).	Single Premium.	Age (nearest).	Single Premium.
	Rs.		Rs.		Rs.
20	359	34	419	48	535
21	360	35	426	49	545
22	360	36	433	50	555
23	361	37	440	51	564
24	363	38	448	52	575
25	366	39	455	53	585
26	370	40	463	54	595
27	375	41	471	55	606
28	381	42	480	56	617
29	387	43	488	57	627
30	393	44	497	58	638
31	399	45	507	59	650
32	406	46	516	60	661
33	412	47	525		

The following sums per Rs. 1,000 assured may be paid to Officers at the Ages specified, subject to deduction of any portion of Premium remaining unpaid on account of Rs. 1,000 assured.

Age (nearest).	Rs.	Age (nearest).	Rs.	Age (nearest).	Rs.
21	351	38	437	55	591
22	351	39	444	56	602
23	352	40	452	57	612
24	354	41	460	58	623
25	357	42	468	59	634
26	362	43	477	60	645
27	366	44	485	61	656
28	372	45	494	62	668
29	377	46	503	63	679
30	384	47	512	64	690
31	390	48	522	65	701
32	395	49	531	66	712
33	402	50	541	67	723
34	409	51	551	68	734
35	415	52	561	69	744
36	422	53	571	70	755
37	429	54	581		

Officers transferred to the British Army and Officers who resign.

26. Officers who may be transferred from the Indian Army to the British Army, officers of the Royal Artillery and the Royal Engineers who revert to the Imperial Establishment, and officers who resign the service, will be entitled, if married and with or without children, or on account of their children, if widowers, to receive back such portion of their contributions as may be in excess of the risk borne during their membership, but no refund will be made in respect of unmarried subscriptions, nor for risks that have terminated by death or otherwise. None of the above officers can continue subscribers.

As an exception to this rule, an officer who is granted a compassionate allowance on resigning the service may continue to subscribe at the half rate of subscription.

Half-pay.

27. Married officers on temporary half-pay must continue to subscribe for full benefits, but while in receipt of half-pay they will have the option of paying only half rates for their wives. In the latter case, however, they will, on retirement, or reversion to full-pay, be required to pay arrears, with interest; and in the event of the death of a subscriber while on temporary half-pay or before the arrears have been paid the amount due will be recovered from the pension granted to the widow. Unmarried officers must continue to subscribe at the half rate of subscription.*

Retired Officers.

28. Married officers who retire from the service on a pension may continue to subscribe at the half rate of subscription, or they may withdraw, receiving back such portion of their contributions as is in excess of the risk borne during the term of their membership; but the usual subscription will be deducted from the pension of all such officers until they shall have intimated in writing their intention of withdrawing. The refund of the excess risk applies also to children, whether officers are married or widowers. Unmarried officers may continue their subscription on the same terms as married officers, but will not be entitled to any refund in the event of their withdrawal.

No refund is made in any case in respect of risks that have terminated by death or otherwise.

Dismissed Officers.

29. An officer who is dismissed the service by sentence of a court-martial, or by other competent authority, will cease, *ipso facto*, to be a contributor under these regulations, and will have no claim to any refund. His family will not be entitled to any pensions under these regulations.

Certificates.

30. Declarations as to continued widowhood and the survival of children must be furnished to the Accountant-General, India Office, by whom pensions in Europe are paid under the authority of the Director of Funds.

APPENDIX.

Note.—In England all reports and applications for pensions must be made to the Director of Funds, India Office, Whitehall, London, S. W.

FORM (A) of a Letter from an Officer with whom it is optional under Regulation 2 to contribute under these regulations, announcing his intention to do so.

To the Controller of Military Accounts, Eastern Circle, Calcutta.

Sir,—I have the honour to announce my intention of contributing for pensions for my family under the regulations published with the Notification by the Government of India, in the Military Department, No. 1315, dated 28th December 1872.

I agree to be bound in every respect by the said regulations, and by any orders in modification thereof that may be hereafter passed by the Secretary of State for India in Council.

I was born on the

My wife was born on the

We were married on the

A certified copy of the register of our marriage is herewith transmitted.

* This regulation applies also to officers and engineers of the Royal Indian Marine who are temporarily transferred to the Retired List.

The names and birthdays of my children are as follow :—

FORM (B) of a Letter from an Officer, reporting his having joined the service of the Government of India, married. (*See* Regulation 14).

To the Controller (as above).

Sir,—With reference to the Family Pension Regulations published with the Notification by the Government of India, in the Military Department, No. 1315, dated 28th December 1872, I have the honour to report that I was admitted to the service of the Government of India, married, on the 19 .

I was born on the

My wife was born on the

We were married on the

A certified copy of the register of our marriage is herewith submitted.

The names and birthdays of my children are as follow :—

FORM (C) of a Letter reporting Marriage. (*See* Regulation 14.)

To the Controller of Military Accounts, Eastern Circle, Calcutta.

Sir,—I have the honour to report my marriage on the 19 , to Miss

A certified copy of the register of our marriage is herewith transmitted.

I was born on the . My wife was born on the .

I wish to pay the donation for which I have become liable in $\frac{\text{one sum}}{\text{12 monthly instalments}}$.

FORM (D) of a Letter reporting the Birth of a Child. (*See* Regulations 14 and 15.)

To the Controller (as above).

Sir,—I have the honour to report the birth to me of a male (female) child on the and I request that the name may be entered in the pension register kept under the Military Family Pension Regulations.

I wish to pay the donation for which I have become liable in $\frac{\text{one sum}}{\text{12 monthly instalments}}$.

FORM (E).—Report of Death. (*See* Regulation 14).

To the Controller (as above).

Sir,—I have the honour to report the decease on the of my son (daughter) born on the (or of my wife).

FORM (F) of Application for the Commuted Value of the Pension of a Male Orphan over 16 years of age. (*See* Regulation 21.)

Sir,—I, *A. B.*, being the mother (or guardian) of *C. D.*, son of *E. F.*, late a in the service of the Government of India, having now an opportunity of placing my son (or ward) in a suitable position, request that the commuted value of the remaining portion of his pension may be granted to me under my guarantee for its proper application to his use.

The age of my son (or ward) is now years months, and I submit herewith a certificate of his health.

FORM (G).—Medical Certificate to be furnished by Mother or Guardian applying for commutation of a Male Orphan's Annuity. (*See* Regulation 21)

We do hereby certify that we have carefully and personally examined into the state of the health of *C. D.*, son of the late *E. F.*, and that we consider him free from any disease likely to prevent his attaining the age of 21 years.

(Sd.) *G.H.* } M.D.
" *I.K.* }

FORM (H).—Mother's or Guardian's Receipt for Commuted Value of a Male Orphan's Annuity. (*See* Regulation 21).

I, *A.B.*, mother (or guardian) of *C. D.*, son of the late *E.F.*, in consideration of the payment to me of the sum of being the commuted value of the pension receivable by the said *C.D.*, from till he attains the age of 21 years, do hereby bind myself to account, if called on by the Secretary of State for India, for the due application of the said sum for the use and benefit of the said *C.D.*

R. A. MANT,

Joint Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

POST OFFICE.

Simla, the 24th September, 1908.

No. 8915—249.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that the following amendment shall be made in the rules and orders published with the Notification in this Department No. 7397—225, dated the 5th August 1908:

Clause (2) of Rule 23 is hereby cancelled.

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 25th September, 1908.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 783.—The services of the undermentioned officers of the Cantonment Magistrates' Department are placed at the disposal of the Punjab Government, for employment as noted against each:—

Lieutenant-Colonel G. H. Watson, as a Cantonment Magistrate.

Captain A. M. E. H. T. Walker, as a Cantonment Magistrate.

Lieutenant H. F. W. Paterson, 32nd Pioneers, as an Officiating Assistant Cantonment Magistrate.

Captain I. M. Little, 26th Punjabis, as an Officiating Assistant Cantonment Magistrate.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Simla Volunteer Rifles.

No. 795.—Lieutenant Donald Macfarlane (Supernumerary List) resigns his commission. Dated 12th August 1908.

A. W. L. BAYLY,

Secretary to the Government of India.

Punjab Government Press, Lahore—2-10-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 9, 1908.

PART II.

Republications from the "Gazette of India."

Nil.

Punjab Government Press, Lahore—9-10-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 16, 1908.

PART II.

Republications from the "Gazette of India.

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 3, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

JUDICIAL.

Simla, the 1st October, 1908.

No. 1238.—Under the provisions of section 5 of the Lower Burma Courts Act, 1900 (VI of 1900), the Governor General in Council is pleased to appoint Mr. S. M. Robinson, Barrister-at-Law, Government Advocate, Punjab, to officiate as a Judge of the Chief Court, Lower Burma, during the absence on furlough of the Hon'ble Mr. Justice Ormond, or until further orders.

ECCLESIASTICAL.

The 1st October, 1908.

No. 512.—The services of the Reverend C. R. Rintoul, a chaplain on the ecclesiastical establishment, Madras, are placed at the disposal of the Government of the Punjab for permanent employment in the Lahore diocese.

H. A. STUART,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 28th September, 1908.

No. 146.—The undermentioned gentlemen have been appointed Assistant Engineers, by His Majesty's Secretary of State for India, and are posted as follows:

* * * * * * * *

Punjab—Irrigation.

Mr. George Wilfrid Morton Ball.
" Charles Campbell Canney.
" Edward Orme Cox.
" Valentine William Glenny.
" Conway Blyth Job.
" William Norman McLeod.
" David John Morris.
" Arthur Oram.

* * * * * * * *

No. 147.—Mr. Arthur Westmorland Wood has been appointed by His Majesty's Secretary of State for India to the Superior Accounts Branch of the Public Works Department as an Assistant Examiner, 1st grade, and is posted to the office of the Examiner of Public Works Accounts, Punjab.

The 1st October, 1908.

No. 151.—The undermentioned Royal Engineer Officers are temporarily appointed to the Public Works Department as Assistant Engineers, 2nd grade, and are posted to the Provinces noted against their names:

Lieutenant William Garforth ... Punjab, Buildings and Roads Branch.

* * * * * * * *

L. M. JACOB,
Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 2nd October, 1908.

No. 2556-*G.*—The following list of officers exercising political functions under the control of Local Governments, who are entitled to wear the uniform prescribed under the orders contained in the Notification by the Government of India in the Home Department, No. 2531 (Public), dated the 23rd September 1907, is published for general information:

List of officers exercising political functions under the control of Local Governments, who are entitled to wear the civil uniform prescribed under the orders contained in the Notification by the Government of India in the Home Department, No. 2531 (Public), dated the 23rd September 1907.

Officers and appointments.	Uniform to be worn.
* * * * *	* * *
PUNJAB.	
1. Political Agent, Phulkián States and Baháwalpur	First class. As shown in the "Description of civil uniform" appended.
2. Deputy Commissioner, Simla, and Superintendent, Hill States ...	First class. As shown in the "Description of civil uniform" appended.
3. Deputy Commissioner, Dera Ghází Khan	First class. As shown in the "Description of civil uniform" appended.
* * * * *	* * *

Extract from the publication entitled "Dress worn at Court."

FULL DRESS.

Coat for 1st and 2nd class. Blue cloth, single breasted, stand collar. The collar and cuffs of Black Velvet; pocket flaps of blue cloth; the fronts to hook and eye; nine buttons on the left front (not to button), two at the waist behind, and two at the bottom of the back skirts. White silk linings.

Gold oak-leaf embroidery on the fronts as follows:

1st class, 5 inches wide.

2nd class, 4 inches wide with "saw" edges. The collar, cuffs, pocket flaps, back, skirts, and back-skirts are also embroidered.

Buttons.—Gilt; mounted; the Royal Arms with supporters

Coat for 3rd, 4th and 5th class. The coat described below under "Levée Dress"

BREECHES.—White kerseymere with three covered buttons at the knee and gilt buckles.

STOCKING.—White silk.

SHOES.—Black patent leather with gilt buckles.

SWORD.—Of Regulation pattern with black scabbard and gilt mountings.

SWORD KNOT.—Gold lace strap with bullion tassel.

SWORD BELT.—White Web, worn over the shoulder and under the coat. White cloth frog for sword.

HAT.—1st class.—Black beaver cocked hat, black silk cockade. Treble gold bullion loop with tassel and hangers. White ostrich feather border.

2nd class, as above, with double gold bullion loop, plain gold tassels without hangers.

3rd, 4th, and 5th class, same as above, but with plaited gold bullion loop and *black* ostrich feather border. No tassels.

GLOVES.—White.

LEVÉE DRESS.

COAT.—Blue cloth, single-breasted, stand collar. Black velvet collar and cuffs. Nine buttons up fronts, to button. Two buttons at waist behind. The 1st and 2nd class have gold embroidery on the collar, cuffs, pocket flaps, and back, as on the full dress coat. The 3rd and 4th class have embroidery on the collar, cuffs, back and pocket flaps. The 5th class, embroidery on the collar, cuffs, and pocket flaps only. Width of embroidery is, 1st class, 5 inches, 2nd class, 4 inches, 3rd class, 3 inches, 4th class, 2 inches, and 5th class, ⅞th of an inch. Gilt mounted buttons of Royal Arms (without supporters) surmounted by the Imperial Crown. Black silk linings and a black silk stock at the front of the neck.

Trousers.—Blue cloth, with stripes of gold oak-leaf lace on the side seams.

The lace of width as follows:—

1st and 2nd class, 2½ inches.
3rd and 4th class, 2 inches.
5th class, 1 inch.

Boots.—Plain, military patent leather are worn with trousers.

Hat.
Sword. } The same as full dress.
Sword Knot.

SWORD BELT.—A blue cloth frog is worn with Levée Dress.

GLOVES.—White.

FOR MOURNING.—A black crêpe band 3½ inches wide, worn above the elbow on the left arm.

NOTE.—The Full Dress Coat prescribed for the Governors of Madras and Bombay, Lieutenant-Governors and Ordinary Members of the Council of the Governor General, or of the Councils of the Governors of Madras and Bombay, should only be worn in India with knee breeches. On certain ceremonial occasions in England the Full Dress Coat is sometimes worn with trousers, *viz.*, at Royal Weddings and when His Majesty opens Parliament.

The two classes of uniform should be worn on the following occasions respectively:

Full Dress.—State Balls and Drawing rooms, and all State ceremonies in the evening at which ladies are present.

Levée Dress.—State dinners, Levées, and Official arrivals and departures.

Description of Civil Uniform.

FIRST CLASS.

FULL DRESS.

The Levée Dress prescribed for officers of the third class in the annexed extract from the publication "Dress worn at Court."

UNDRESS—(*Morning*)

Coat.—Blue cloth (frock), with black silk lining; black velvet collar and cuffs, and gilt buttons, with Royal Arms; waist coat, white marsala, single-breasted, with buttons, as above.

Hat.—Helmet, white felt, rim edged with gold, peak and neck-shade braided with gold, white silk puggree with gold fringe, according to sealed pattern.

Trousers.—Blue cloth, or white, according to circumstances, with gold oak-leaf one inch wide, straps and gilt swan necked spurs.

Sword.—Mameluke pattern. Brass scabbard.

Sword Belt.—One and-a-half inches wide. Lining of red Morocco leather. Sling Russia leather one inch wide on red Morocco leather, covered with gold oak-leaf lace.

Forage Cap.—Blue cloth with gold embroidered peak on black patent leather, and band of gold oak-leaf lace two inches wide round the cap.

Great Coat and Cape.—Blue milled cloth; double-breasted, two rows of gilt buttons down front, six in each row; stand and fall collar of black velvet, four inches deep, with fly to cover band of cape. Loose round cuffs six inches deep, pockets at sides with flaps. Two openings at side seams with pointed flap 11 inches long, and three gilt buttons. Sword slit on left side. Opening behind about 25 inches long, and a gusset extending to bottom with a tab and button to close it when worn on foot. Cloth back strap with gilt buckle, two inches wide, to confine the coat at waist. Cape of same cloth as coat. Four small gilt buttons down front to fasten at neck with small strap and buckle; lined black.

Boots.—Plain Wellington.

Spurs.—Box, brass, swan-necked.

EVENING DRESS.

Coat.—Blue cloth evening coat, black lining; velvet collar and cuffs; facings plain black silk; waistcoat white marsala, single-breasted, buttons as in morning undress.

Trousers.—Plain black cloth.

SECOND CLASS.

FULL DRESS.

The Levée Dress prescribed for officers of the fifth class in the annexed extract from the publication "Dress worn at Court."

UNDRESS—(*Morning*).

Coat.—Blue cloth (frock), with black silk lining; velvet collar and cuffs and gilt buttons with Royal Arms; waist coat white marsala, single-breasted, with buttons as above.

Hat.—Helmet, white felt, rim edged with gold, with white silk puggree according to sealed pattern.

Trousers.—Blue cloth or white, according to circumstances, with gold oak-leaf half inch wide, straps and gilt swan-necked spurs.

Sword.—Mameluke pattern. Steel scabbard.

Sword Belt.—, Forage Cap.—, Great Coat and Cape.—, Boots.—, Spurs.— } Same as for Class I.

EVENING DRESS.

Coat.—, Trousers.— } Same as for Class I.

NOTE.—The helmet may be worn with full dress when the officer is exposed to the sun. Officers need not, unless they so desire, provide themselves with the great-coat and cape described in these Regulations.

S. H. BUTLER,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE.

Simla the 28th September, 1908.

No. 8962—225.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that, with effect from the 1st January 1909, the following shall be substituted for rules 163 and 164 of the rules published with the Notification of the Government of India in the Department of Commerce and Industry, No. 7397—225, dated the 5th August 1908:

163. (*a*) An undelivered postal article, the addressee of which is not known or has left the station of address without intimating his fresh address to the post office, shall ordinarily be kept in deposit in the head, sub, or branch post office to which it is addressed for a period of seven days after all enquiries to find the addressee have proved unsuccesssful;

(*b*) an undelivered postal article, on which the words "Poste Restante", "To await arrival", or similar instructions have been written, shall remain in the post office to which it is addressed—

(i) for a period of four months from the date on which it reached the post office if the office is at a Presidency or seaport town;

(ii) for a period of one month in all other cases;

(*c*) an undelivered postal article shall ordinarily not remain in a post office to which it has been redirected, after it has been ascertained that the addressee cannot be found;

(d) an undelivered telegram which is in course of transmission by post, shall remain in the post office to which it is addressed, for a period of three days from the date on which it reached that office.

164. An undelivered postal article, of which the addressee—

(1) has refused to take delivery, or

(2) is known to have gone away from India without leaving instructions at the post office as to the redirection of his correspondence, or

(3) is dead, and there is no person to whom the article could properly be delivered,

shall not be detained in the post office to which it is addressed.

CUSTOMS.

The 30th September, 1908.

No. 9088—118.—In exercise of the power conferred by section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to exempt oil-seeds imported in British India by sea from the territories of any Native Prince or Chief in India from the import duty leviable thereon under the Indian Tariff Act, 1894 (VIII of 1894), as subsequently amended.

B. ROBERTSON,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA, OCTOBER 3, 1908.

No. 9131-9150-76.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY.

STORES.

Dated Simla, the 1st October, 1908.

RESOLUTION.

List A appended to the Resolution in the Finance and Commerce Department No. 2587-S. R., dated the 9th June 1898, which specifies the articles of iron and steel manufactured from imported raw material which may be purchased in India for the public service, includes, among other entries, "Railway bridges of spans up to 30 feet." It has been shown to the satisfaction of the Government of India that railway girders for spans up to 150 feet can now be manufactured in India, and they are accordingly pleased to rule that "Railway bridges of spans up to 150 feet" shall be substituted in the list for the entry quoted above.

ORDERED that this Resolution be communicated to the Department of Military Supply, the Army Department and the Public Works Department; to the Railway Department with reference to their letter No. 1905-R. S, dated the 14th September 1908, and to all Local Governments and Administrations, for information.

Ordered also that it be published in the Supplement to the *Gazette of India*, for general information.

B. ROBERTSON,

Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 10, 1908.

HOME DEPARTMENT.

NOTIFICATION.

EXAMINATIONS.

Simla, the 8th October, 1908.

No. 398.—The following amendment to the rules for the encouragement of the study of oriental languages among the junior members of the Indian Civil Service, contained in the Home Department notification No. 632, dated the 20th December 1907, is published for information.

Add the following note to rule I:—Members of the Indian Civil Service serving in the Central Provinces are permitted to appear at the High Proficiency and Degree of Honour examinations in Marathi held under the rules in force in the Bombay Presidency and to receive the same rewards for passing as are given to members of the Indian Civil Service in that Presidency.

H. A. STUART,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 8th October, 1908.

No. 154.—*Corrigendum.*—In Public Works Department notification No. 146, dated the 28th September 1908, *for* Mr. Charles Gordon Barbar *read* Mr. Charles Gordon Barber.

L. M. JACOB,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 9th October, 1908.

PROMOTIONS.

INDIAN ARMY.

No. 828.—The following promotions are made, subject to His Majesty's approval:—

* * * * *

Captains to be Majors;

The 8th October 1908.

* * * * *

George Batthyany Sanford, Civil employ, Punjab.

* * * * *

SPECIAL.

No. 840.—With reference to paragraph 293, Army Regulations, India, Volume II, The undermentioned Cantonment Magistrates, having been absent from military duty for ten years, are transferred to the supernumerary list, with effect from the dates specified:—

Lieutenant-Colonel Arthur Tristram Herbert Newnham ... 25th January 1908.

* * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Punjab Light Horse.

No. 842.—Lieutenant Sidney Kilner Levett Yeats, (Supernumerary List), resigns his commission. Dated 9th October 1908.

CANTONMENTS.

REGULATION.

No. 853.—The following draft of a notification which it is proposed to issue in exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), is published, as required by section 27, sub-section (1), of the said Act, for the information of persons likely to be affected thereby, and notice is given that the draft will be taken into consideration by the Governor-General in Council on or after the 14th November 1908. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid will be considered by the Governor General in Council.

Draft Notification.

In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to direct that the following amendments shall be made in the Cantonment Code, 1899, namely:—

1. To *section* 24, the following shall be added, namely :—

"*Explanation.*—In this section the words 'deposit of cash' include 'Saving Bank deposits' if pledged to the President of the Cantonment Committee; or where there is no such Committee, to the Commanding Officer of the Cantonment."

2. In *section* 32, *sub-section* (4), the words "through the Accountant-General" shall be omitted.

3. Sub-section (2) of section 33, and the number and brackets (1) in the same section are hereby cancelled.

4. In *section* 39, *sub-section* (1), after the words, "in form 1 in schedule I" shall be added the words "either directly or through a subsidiary register."

In *sub-section* (2) of the same section, the comma after the word "series" shall be omitted, and the words "for each kind of receipt" added; and at the end of the sub-section the words "or the appropriate column of a subsidiary register" shall be added.

5. For *section* 51, the following shall be substituted, namely:—

"51 (1). The accounts of the Cantonment Funds will be audited locally by the staff of the Examiner or Inspector of Local Fund Accounts on behalf of the Accountant-General every year. To facilitate audit, all vouchers, with all sub-vouchers above Rs 10 attached to them, should be numbered in annual series and filed in separate files for the several months. These vouchers, all registers maintained in the cantonment office, and all other documents required for purposes of audit, should be produced whenever called for by the auditors, and any explanation required by those officers for the settlement on the spot of objections raised should be furnished without delay.

Audit of accounts.

(2) The Examiner or Inspectors of local fund accounts will submit a report on the audit to the Accountant-General who will forward copies thereof with his remarks to the President, Cantonment Committee, the Officer Commanding the Division, the Quarter Master General in India and the Local Government for necessary action.

The audit report should contain the following certificate :—

"Certified that a copy was kept in my office of the annual account for the year submitted to the Officer Commanding the Division, with my endorsement No. , dated—and that the account has been compared with local records and found correct subject to the following remarks."

(3) The Examiner or Inspector of Local Accounts will inspect the Cantonment Fund offices during his tours of inspection to ascertain if the past audits by his staff have been properly conducted and to see if the accounts of the fund are being kept according to the prescribed rules. He should also advise the cantonment authorities on financial matters generally if necessary.

(4) All cases of fraud or embezzlement should at once be reported to the Accountant-General who will at his discretion depute an auditor to investigate into the case and report to the Officer Commanding the Division and the Local Government, the result of the enquiry."

6. In *section* 52 *sub-section* (2) for the words "in the extracts forwarded to the Accountant-General for the month of March last preceding," the words "in the respective Registers" shall be substituted.

For sub-section (3) of the same section the following shall be substituted namely :—

"(3) The consolidated account shall be forwarded in duplicate to the Examiner or Inspector of Local Accounts who will compare the two copies and forward one copy to the Officer Commanding the Division, retaining the other copy in his own office for check by the local auditors during audit with a view to furnishing the certificate of correctness."

7. In *Form* 1, *Schedule I*, after the column "From whom received" shall be inserted a column "Particulars of receipts."

In *Form* 2 of the same schedule, the second foil, headed "[To be sent to Accountant-General with the monthly extracts from the accounts]" shall be cancelled.

In *Forms 5 and 6* of the same schedule, after the column "to whom paid" shall be inserted a column "Particulars of payments."

A. W. L. BAYLY.

Secretary to the Government of India.

Punjab Government Press, Lahore—16-10-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 23, 1908.

PART II.

Republications from the "Gazette of India."

Nil.

Punjab Government Press, Lahore—16-10-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, OCTOBER 30, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA, OCTOBER 10, 1908.

No. 2034—50-I.

GOVERNMENT OF INDIA,—PUBLIC WORKS DEPARTMENT.

CIVIL WORKS.

Irrigation.

Simla, the 6th October 1908.

Review of Irrigation in India in 1906-07.

READ—

Note by W. F. O'DONOGHUE, Esquire, Accountant-General, Public Works Department, upon the accounts of Revenue and Expenditure of Irrigation Works in India for 1906-07.

Provincial Revenue and Administration Reports of Irrigation Works for 1906-07.

Irrigation Works are divided into two main classes—Major and Minor Works—the former being sub-divided into (I) Productive and (II) Protective Works. Capital and Revenue Accounts are kept for all Major Works and the revenue due to them, whether directly in the form of water-rates and miscellaneous receipts, or, indirectly, on account of enhancements of land revenue due to irrigation, is shown in the Annual Finance Accounts.

A—MAJOR WORKS.

I.—Productive Works.

2. The most important irrigation works in India are those classed as Productive Works, or works the capital cost of which has been wholly or mainly provided from loan funds in the expectation that they would prove directly remunerative, and that the net revenue derived from them would fully cover all charges for interest within a reasonable time after their completion. This expectation is never likely to be realized in respect of any of the four works constructed in Bengal, of the seven in Bombay (Deccan and Gujarat) and of the Kurnool-Cuddapah Canal and Barur Tank in Madras. The capital outlay recorded against these thirteen works to the end of the year under review amounted to Rs. 9,85,11,412, on which the net revenue realised during the year yielded a return of 1·46 per cent. compared with 1·53 per cent. in the preceding year and with 1·32, 0·81, and 0·80, the averages of the previous three triennial periods; the interest charges to the end of the year exceeded the net revenue by Rs. 10,13,52,330, the excess for the year being Rs. 18,61,350; and the area irrigated by these works during the year was 971,895 acres.

3. These unfavourable financial results are, however, more than counterbalanced by the results attained on the 30 remaining productive works now in operation, the net revenue on which during the year was equivalent to a return of 11·47 per cent. on the capital outlay. The general financial results of all the works of this class are shown separately by provinces in the following statement. The totals are brought into comparison with those of the two previous years.

Financial results of Productive Works in operation.

Province.	Number of works.	Area irrigated.	Capital outlay to end of 1906-07.	Net revenue in 1906-07.	Percentage of net revenue on capital outlay.
		Acres.	Rs.	Rs.	
Irrigation.					
Punjab	8	5,354,322	11,11,16,550	1,51,97,699	13·68
United Provinces of Agra and Oudh ...	5	2,408,467	8,94,25,760	85,24,485	9·53
Madras	8	2,939,809	7,35,49,961	70,95,206	9·65
Sind	8	1,468,792	2,54,70,922	20,33,511	7·98
Bombay	7	30,022	1,16,71,169	2,81,869	2·42
Bengal	3	891,815	6,18,52,867	9,95,057	1·61
Do.	*1	...	26,15,154	17,681	0·68
Burma	2	90,921	97,28,489	2,61,634	2·69
North-West Frontier Province ...	1	151,460	42,10,860	4,38,404	10·41
Total Imperial ...	43	13,335,608	38,96,41,732	3,48,45,596	8·94
Native States, Punjab	†	548,673	1,52,56,351	14,93,131	9·79
GRAND TOTAL IMPERIAL AND NATIVE STATES—					
1906-07	43	18,884,281	40,48,98,083	3,63,38,727	8·97
1905-06	41	14,692,450	39,28,94,032	2,85,61,322	7·27
1904-05	41	12,616,767	38,95,91,897	2,95,99,182	7·60

* Hijili Tidal Canal, which is a purely navigation work.

† Part of the works in the Punjab.

Of the increase of Rs. 1,20,04,051, in the capital outlay as compared with 1905-06 the transfer of the Lower Swat River Canal in the North-West Frontier Province from the category of Protective Works to that of Productive Works accounts for Rs. 42,10,860, and the addition of the Shwebo Canal in Burma to the list of Productive Works in operation for Rs. 46,04,936, and of the balance, Rs. 9,64,831 was spent in the Punjab, Rs. 10,86,390 in the United Provinces and Rs. 9,09,756 in Madras.

The net revenue was the largest on record, and represented a return of 8·97 per cent. on the capital outlay—the highest percentage yet attained. Compared with the preceding year, there was an increase of Rs. 77,77,405, of which Rs. 31,01,529 occurred in the Punjab, Rs. 32,68,612 in the United Provinces and Rs. 5,96,215 in the Native States, and the transfer of the Lower Swat River Canal in the North-West Frontier Province from the class of Protective Works accounted for Rs. 4,38,404.

The irrigated area was less than that of the preceding year by 808,169 acres; it however exceeded the averages of the three preceding triennia. The figures for the year

under review compared with those of 1905-06 and the three previous triennia are exhibited in the following statement:—

Productive Major Works.

Province.	AREA IRRIGATED.				
	During 1906-07.	During 1905-06.	*Average of Triennium.*		
			1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Punjab	5,354,322	5,677,536	5,000,642	4,012,579	3,305,215
United Provinces ...	2,408,467	3,234,566	2,200,145	2,308,149	2,389,290
Madras	2,939,809	3,014,898	2,865,273	2,805,299	2,627,747
Sind	1,468,792	1,393,932	1,178,932	912,802	690,834
Bombay	30,022	31,636	25,140	26,904	30,095
Bengal	891,815	812,208	801,862	761,478	739,620
Burma	90,921	41,839	26,995	...	...
North-West Frontier Province.	*1,51,460	...	...	...	...
Total Imperial ...	13,335,608	14,206,615	12,098,989	10,827,211	9,782,801
Punjab Native States ...	548,673	485,835	387,423	385,930	424,290
Total ...	13,884,281	14,692,450	12,486,412	11,213,141	10,207,091

* Lower Swat River Canal transferred from Protective Works in 1906-07.

5. The areas irrigated by the different works in the Punjab are shown below:—

Name of Canal.	AREA IRRIGATED.				
	During 1906-07.	During 1905-96.	*Average of Triennium*		
			1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Western Jumna, Imperial...	776,372	796,246	619,356	561,433	677,597
Sirhind, Imperial ...	724,419	759,008	771,010	793,312	862,445
Upper Bari Doab ...	1,038,746	1,129,624	928,763	826,473	784,156
Lower Chenab ...	1,570,853	1,804,619	1,910,186	1,643,959	762,651
Upper Sutlej Canals, including Lower Sohag and Para.	384,817	370,983	248,528	*62,220	*78,532
Sidhnai	221,942	163,297	138,564	103,392	139,823
Lower Jhelum ...	435,083	440,659	241,357	21,789	...
Indus Inundation Canals†	202,090	207,100	133,878	...	...
Total Imperial ...	5,354,322	5,677,536	5,000,642	4,012,578	3,305,214
Sirhind (Native States) ...	473,293	425,656	333,698	341,062	367,140
Western Jumna (Native States.)	75,380	60,179	53,725	44,867	57,149
Total ...	5,902,995	6,163,371	5,388,065	4,398,507	3,729,503

*Lower Sohag and Para only.
†Transferred from Minor Works in 1903-04.

The areas irrigated in the year under review, though lower than those of 1905-06, show however an increase over the averages of the previous three triennia.

The percentages of net revenue on capital outlay for the year are compared in the following statement with those of 1905-06 and of the three triennia, covering the period 1896-97—1904-05:—

Name of Canal.	PERCENTAGE.				
	1906-07.	1905-06.	*Average of Triennium.* 1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
Western Jumna, Imperial	11·61	9·62	9·13	9·37	10·70
Sirhind, Imperial ...	8·50	7·15	7·31	8·01	9·27
Upper Bari Doab ...	13·04	11·29	12·56	12·41	12·91
Lower Chenab ...	24·09	20·79	23·09	14·13	7·44
Upper Sutlej Canals, including Lower Sohag and Para.	20·07	4·87	9·72	*6·17	*7·45
Sidhnai	27·05	13·95	15·08	8·69	16·62
Indus Inundation Canals†	5·21	5·79	10·72	...	...
Native States... ...	9·78	5·88	5·74	5·20	6·22

*Lower Sohag and Para only.
†Transferred from Minor Works in 1903-04.

The Lower Jhelum Canal, on which there had been an annual loss in working from 1901-02, the year in which it was opened, to 1904-05, earned in the year under review a net revenue of Rs. 8,38,531, equivalent to 5·43 per cent., on the capital outlay, against 1·09 per cent. in the preceding year. This canal is not yet fully completed and its irrigation has not reached its normal development.

The total net revenne of the Productive Works in the Punjab rose from Rs. 1,20,96,170 in 1905-06 to Rs. 1,51,97,699 in the year under review, which represents a return of 13·68 per cent. on the capital outlay. The highest percentage of net revenue on the capital outlay was attained on the Sidhnai Canal which yielded 27·05 per cent. against 13·95 per cent. in the previous year. The greatest amount of net revenue was however obtained on the Lower Chenab Canal which earned Rs. 68,00,588, equivalent to 24·09 per cent. on the capital outlay, the net revenue in the previous year being Rs. 58,64,368. This canal has still to show developments due to recent extensions and the ultimate percentage of profit has not yet been reached. The accumulated net revenue of these two canals up to the end of the year under review after paying off the interest charges amounted to Rs. 3,40,13,530 on the Lower Chenab Canal and to Rs. 25,74,231 on the Sidhnai Canal against the capital outlay of Rs. 2,82,27,748 and Rs. 13,06,424, respectively, incurred on them.

6. In the United Provinces of Agra and Oudh the areas irrigated are as below :—

Name of Canal.	Area irrigated.				
	During 1906-07.	During 1905-06.	Average of Triennium.		
			1902-03 to 1904-05	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Ganges	934,502	1,369,393	889,355	1,030,836	966,286
Lower Ganges, including Fatehpur Branch.	924,026	1,151,644	794,548	732,136	871,130
Agra	254,476	343,599	227,309	238,444	244,442
Eastern Jumna	295,463	369,930	288,933	306,733	307,432
Total ...	2,408,467	3,234,566	2,200,145	2,308,149	2,389,290

The net revenue from these canals exceeded that of the preceding year by Rs. 32,68,612, and represented a return of 9·53 against 5·95, 7·58 and 7·17 per cent., respectively, in 1905-06, 1904-05 and 1903-04.

The relative percentages of profit compared with those of 1905-06 and the previous three triennia are given in the following table :—

Name of Canal.	Percentage.				
	1906-07.	1905-06.	Average of Triennium.		
			1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
Ganges Canal	12·37	7·99	10·01	10·26	9·84
Lower Ganges Canal	5·85	4·13	4·10	3·55	5·01
Agra Canal	6·97	2·02	5·79	5·52	6·06
Eastern Jumna Canal	28·47	18·53	23·16	25·31	29·66

As in other years, the highest percentage was yielded by the Eastern Jumna Canal which is the most remunerative work in the United Provinces.

7. The following statement shows the area irrigated in the Madras Presidency in 1906-07, compared with that of the previous year and the averages of the preceding three triennia :—

Name of Canal.	Area irrigated.				
	During 1906-07.	During 1905-06.	Average of Triennium.		
			1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Srivaikuntam Anicut	44,431	43.958	44,193	43,655	41,518
Godavari	872,849	915,317	830,830	804,995	771,925
Kistna	664,171	659,198	631,046	606,311	523,294
Penner	165,462	175,399	151,594	153,048	148,378
Kurnool	43,156	62,337	65,126	69,302	61,066
Periyar	159,732	159,526	154,439	141,987	90,160
Barur Tank	6,902	5,547	5,460	5,354	4,587
Cauvery Delta	983,106	993,616	982,585	980,644	987,016
Total ...	2.939,809	3,014,898	2,865,273	2,805,296	2,627,744

The percentage of net revenue on the capital outlay was 9·65 compared with 9·46 in 1905-06 and 8·79 in 1904-05.

The percentages of net revenue on capital outlay of the different systems for the year compared with the previous year and the preceding three triennia are—

Name of Canal.	Percentage.				
	1906-07.	1905-06.	Average of Triennium.		
			1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
Godavari Delta	19·47	19·75	18·46	17·48	17·99
Kistna Delta	15·73	15·05	14·41	15·71	12·94
Cauvery Delta	22·90	24·82	27·22	31·17	44·00
Penner	6 53	5·14	3·25	4·86	5·05
Kurnool-Cuddapah	0·61	0·58	0.49	0·37	0·18
Barur	3·10	1·13	0 76	1·54	1·47
Srivaikuntam	7·12	6·70	5·91	6·39	4·40
Periyar	4·22	4·06	3·86	3·25	...

The most unremunerative works in the province are the Kurnool-Cuddapah Canal and the Barur Tank, and it is not expected that they will ever become remunerative. A steady improvement is noticeable in the case of the Periyar Project, and it is anticipated that its return will still further improve when the distributing works are completed.

The net revenue on the Penner River Canals was 6·53 per cent. on the capital outlay compared with 5·14 per cent. in 1905-06, the increase being due to the introduction of resettlement rates in the Nellore district. The highest percentages were yielded by the Cauvery and the Godavari Delta systems which are the most remunerative Works in the Madras Presidency. The accumulated net revenue of all the Productive Works in the province up to the end of the year under review after paying off the interest charges amounted to Rs. 9,47,05,913 against the capital outlay of Rs. 7,51,98,932 incurred on those works.

8. For the canals in Sind the figures are :—

Name of Canal.	AREA IRRIGATED.				
	During 1906-07.	During 1905-06.	*Average of Triennium.*		
			1902-03 to 1904-05.	1889-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Jamrao	246,204	294,508	267,039	133,483	...
Desert	182,436	215,162	198,063	140,912	113,967
Unharwah	75,690	81,081	70,747	79,248	78,818
Begari	264,163	251,044	243,073	255,863	237,171
Eastern Nara	378,412	323,996	262,434	281,097	260,879
Dad	102,662	79,609	67,379	18,747	*Nil.*
Mahiwah	84,857	49,797	27,162	3,454	*Nil.*
Nasrat	134,368	98,735	43,035	*Nil.*	*Nil.*
Total ...	1,468,792	1,393,932	1,178,932	912,804	690,835

The total area irrigated was the largest on record.

The net revenue from these canals amounted to Rs. 20,33,511 against Rs. 19,41,965 in the preceding year and was equivalent to a return of 7·98 per cent. on the capital outlay compared with a return of 7·66 per cent. in the preceding year and of between 5 and 6 per cent. in the four years, 1904-05 to 1901-02. The net revenue on the Dad Canal amounted to Rs. 41,795, and on the Nasrat Canal to Rs. 1,44,535 compared with Rs. 10,650, and Rs. 73,883, respectively, in the preceding year. On the Mahiwah Project the net revenue in the year under review was Rs. 59,324 against a loss of Rs. 43,677 in the previous year.

Percentage returns on capital outlay :—

Name of Canal	PERCENTAGE.				
			Average of Triennium.		
	1906-07.	1905-06.	1902-03 to 1904-05.	1889-1900 to 1901-02.	1896-97 to 1898-99.
Jamrao	4·71	7·22	4·25	2·46	...
Desert	8·32	8·68	4·71	7·08	5·45
Unharwah	18·83	19·69	11·07	17·76	16·47
Begari	25·57	22·13	17·13	21·00	17·51
Eastern Nala...	9·03	8·60	6·61	7·32	6·68

As will be seen from the above table, the highest percentages were obtained on the Begari and Unharwah Canals.

9. In Bombay (Deccan and Gujarat), in the year under review the return on the capital expenditure, which was 2·42 per cent. compared with 3 per cent. in 1905-06 and with 2·06, 1·84 and 1·60 for the three triennia ,1904-05 to 1896-97. The works are small compared with those of other provinces ; the extent of the area irrigated by them continues steady with slight variations.

10. In Bengal, the areas irrigated are as follows :—

Name of Canal	AREA IRRIGATED.				
			Average of Triennium.		
	During 1906-07.	During 1905-06.	1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Sone	563,812	502,817	493,878	481,333	476,466
Midnapur	61,042	74,268	88,908	78,190	71,322
Orissa	266,961	235,123	219,076	201,955	191,832
Total ...	891,815	812,208	801,862	761,478	739,620

The percentage of net revenue on capital outlay on the Hijili Canal, which is a purely navigation channel, was 0·68 compared with 0·87 in 1905-06 and 0·22, 0·53 and 1·62, the averages of the preceding three triennia. The navigation receipts on the Bengal canals have suffered from the competition of the railway.

11. In Burma, the Shwebo Canal was opened for irrigation during the year under review, yielding a net revenue of Rs. 64,422. The Mandalay Canal yielded a net revenue of Rs. 1,97,262 against Rs. 1,14,076 in 1905-06 and Rs. 12,221 in 1904-05.

12. In addition to the 43 Productive Works now in operation, ten new works were under construction during the year, *viz.*, the Mon and Ye-U Canals

in Upper Burma, the Naulakhi Canal in Sind, the Upper Chenab, Upper Jhelum and Lower Bari Doab Canals in the Punjab, the Paharpur inundation Canal and the Upper Swat River Canal in the North-West Frontier Province, and the Nagavali River Project and Divi Island Pumping Project in the Madras Presidency. The total outlay on these works to the end of the year (excluding interest charges) amounted to Rs. 1,47,42,291, of which Rs. 89,67,624 were expended during the year. In addition, Rs. 35,78,296 were spent on works now in operation, principally on extensions or improvements which are likely to prove remunerative and to increase the efficiency of the systems. The total capital expenditure on irrigation works during the year, therefore, amounted to Rs. 1,25,45,920 against Rs. 88,81,365 in the previous year.

No capital expenditure was incurred during the year on navigation works.

II.—Protective Works.

13. Protective irrigation works are those which have been sanctioned in consideration of their value as famine protective works, but without any expectation of their becoming directly remunerative. The cost of their construction has been met from the Famine Insurance Grant. There are at present six of these works in operation, particulars of which are shown in the statement below:—

Financial results of Protective Works in operation.

Name of work.	Province.	Area irrigated in 1906-07.	Capital outlay to end of 1906-07.	Net revenue in 1906-07.	Percentage of net revenue on capital outlay.
		Acres.	Rs.	Rs.	Per cent.
Betwa Canal ...	United Provinces.	55,819	60,90,581	1,48,544	2·44
Rushikulya Project ...	Madras ...	103,324	50,59,132	30,201	0·60
Mhasvad Tank ...	Bombay ...	4,359	20,96,016	10,150	0·48
Nira Canal ...	" ...	37,490	57,11,605	1,40,388	2·46
Shetphal Tank ...	" ...	2,062	7,11,341	3,231	0·45
Dhaka Canal ...	Bengal ...	9,220	4,66,210	—638	...
Total 1906-07 ...	...	212,274	2,01,34,885	3,31,876	1·65
Total 1905-06 ...	...	469,990	2,31,16,434	6,03,129	2·61
Total 1904-05 ...	...	433,823	2,25,40,178	5,36,011	2·38

The decrease in the figures of the year under review as compared with those of the two previous years is mainly due to the transfer of the Lower Swat River Canal to the category of Productive Works. This canal, although sanctioned as a protective work, has proved a highly remunerative one and has therefore been transferred to the class of Productive Public Works with effect from 1st April 1906. One new work, the Dhaka

Canal in Bengal, was opened during the year under review, and irrigated an area of 9,220 acres in that year. The Betwa Canal which has so far only paid its working expenses in the years 1897-98 and 1898-99 in which the net revenue was Rs. 22,876 and Rs. 477, respectively, has, in 1903-04, in 1904-05, in 1905-06, and in the year under review, earned a net revenue of Rs. 25,568, Rs. 41,048, Rs. 52,006 and Rs. 1,48,544, respectively, a result which is due to certain improvements made in its distributary system. The provision of an additional reservoir, which is now under construction, will make the canal more remunerative.

The net revenue on the Rushikulya Project amounted to Rs. 30,201 compared with Rs. 57,641 in 1905-06, the decrease being due to an increase in the working expenses owing to a large amount of earthwork provided in raising the bank of the canal for a considerable length and to clearance of silt in the main canal and distributaries.

The Nira Canal irrigated 37,490 acres and yielded a net revenue of Rs. 1,40,388 against an area of irrigation of 36,912 acres and a net revenue of Rs. 87,321 in 1905-06. The increase in the net revenue was chiefly due to an increase in the area of sugarcane and in the sanctioned rates for monsoon and rabi crops.

The area irrigated during the year and in the previous year as well as the averages of the previous three triennia are shown in the following statement:—

Protective Works.

Name of work.	Province.	Area irrigated. During 1906-07.	During 1905-06.	Average of Triennium. 1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
		Acres.	Acres.	Acres.	Acres.	Acres.
Betwa ...	United Provinces ...	55,819	163,193	87,173	39,550	58,620
Rushikulya ...	Madras ...	103,324	102,244	93,596	83,237	71,203
Nira, Mhasvad, Shetphal ...	Bombay ...	43,911	45,745	45,332	52,586	48,089
Dhaka ...	Bengal ...	9,220	...	...	...	...
	Total ...	212,274	311,182	226,101	175,373	177,912

14. The particalars given in the following statement relate to all Major Works (Productive and Protective) taken together :—

Irrigation statistics of Productive and Protective works in operation.

Province.	Area irrigated.	Estimated value of crops.	Average value of crops per acre.	Average rate of revenue assessed per acre.	Working expeses, rate per acre irrigated.	Percentage of working expenses on gross revenue.
	Acres.	Rs.	Rs.	Rs.	Rs.	Per cent.
North-West Frontier Province	151,460	39,41,555	26·0	3·8	0·8	22·1
Punjab, Imperiat ...	5,354,322	13,47,68,061	25·2	3·6	1·3	31·5
Punjab, Native States ...	548,673	1,31,37,659	23·9	4·2	1·3	32·2
United Provinces ...	2,464,286	9,74,15,625	39·5	4·1	1·4	29·1
Madras	3,043,133	12,02,08,754	39 5	4·4	0·9	20·2
Sind	1,468,792	3,09,56,058	21·1	2·3	0·7	32·3
Bombay	73,933	70,66,659	95·6	8·3	3·7	38·8
Bengal	901,035	4,07,14,897	45·2	2·2	1·4	55·2
Burma	90,921	19,60,162	21·6	4·2	1·6	35·7
Total 1906-07 ...	14,096,555	45,01,69,430	31·9	3·7	1·2	29·3
Total 1905-06 ...	15,162,440	45,50,54,102	30·0	3·5	1·1	32·8
Total 1904-05 ...	13,050,590	36,51,74,650	28·0	3·6	1·2	31·5

The total irrigated area was less than that of the previous year by 1,065,885 acres, and the estimated value of crops was lower than that of 1905-06 by about 49 lakhs of rupees ; in other respects, compared with the year 1905-06, the general results are almost identical, but there are considerable variations in some of the provinces, the most important of which are noted below.

In respect of the average value of the crops, the United Provinces have increased from Rs. 37·3 per acre, owing principally to increase in the value of sugar and wheat, Madras and Bengal from Rs. 34·6 and Rs. 30·9 per acre, respectively, on account of increase in the price of rice. Burma has decreased from Rs. 25.

In Bombay and the North-West Frontier Province the assessment has increased from Rs. 7·3 and 3·1 per acre, respectively, and in the case of Burma has decreased from Rs. 5·1.

There has been an increase in the working expenses in Bombay and a decrease in Burma in the year under review as compared with the previous year.

15. Seventeen protective irrigation reservoirs were under construction in the Central Provinces and Rs. 25,80,048 was the total sum spent to the end of the year.

B.—MINOR WORKS.

III.—Works for which Capital and Revenue Accounts are kept.

16. All expenditure incurred in the construction and development of minor irrigation works is met from revenue. These works are treated wholly as provincial in all provinces except Sind, Bombay, Baluchistan, Rajputana, North-West Frontier Province and the Punjab, in which all but a few works are Imperial. Capital and Revenue Accounts are kept for 92 of the larger and more important minor works, and the financial results attained during the year under review are shown in the following statement :—

Financial results of Minor Works in operation for which Capital and Revenue Accounts are kept.

Province.	Number of works.*	Area irrigated.	Capital outlay to end of 1906-07.	Net revenue in 1906-07.	Percentage of net revenue on capital outlay.	Rate of revenue assessed per acre.
Irrigation.		Acres.	Rs.	Rs.	Per cent.	Rs.
North-West Frontier Province	1	35,395	9,99,774	48,442	4.85	3.4
Punjab	2	41,446	5,59,235	16,432	2.94	1.8
Madras	32	588,466	1,21,19,858	7,10,148	5.86	3.4
United Provinces ...	4	125,380	40,27,388	1,33,070	3.30	2.2
Bombay (Deccan and Gujarat)	31	39,156	90,01,369	56,120	0.62	3.5
Bombay (Sind)	8	930,664	48,37,450	13,64,563	28.21	2.5
Rajputana	3	33,519	33,30,318	73,262	2.20	4.1
Baluchistan	3	9,003	17,83,160	71,287	4.00	10.8
Bengal	1	1,965	7,15,231	—2,244	...	...
Burma (embankments) ...	...	443,405	34,29,899	9,70,021	28.28	2.9
Central Provinces ...	1	...	59,078	588	0.99	...
Total Irrigation—						
1906-07 ...	86	2,248,399	4,08,62,760	34,41,689	8.41	2.9
1905-06 ...	83	2,139,154	4,00,69,156	27,87,516	6.96	2.8
1904-05 ...	81	1,976,978	3,86,25,986	28,07,281	7.27	2.8
Navigation 1906-07.						
Madras	4	...	93,36,436	—29,211	...	...
Bengal	2	...	1,35,51,990	—43,031	...	...
Total Navigation ...	6	...	2,28,88,426	—72,242	...	...

*Includes works under construction.

17. The capital outlay during the year on these Minor Works amounted to Rs. 12,81,889. The expenditure in the North-West Frontier Province was Rs. 99,510; in the United Provinces, Rs. 1,42,147; in Madras, Rs. 2,18,987; in Deccan and Gujarat, Rs. 1,05,986; in Sind, Rs. 60,715; in Rajputana, Rs. 83,199; in Baluchistan, Rs. 20,148; in the Central Provinces Rs. 59,078; in Bengal Rs 4,92,043, and in the Punjab, Rs. 76. There was no expenditure in Burma.

18. A comparison of the area irrigated during the year and the preceding year and the average of three previous triennia is given in the following table :—

Province.	AREA IRRIGATED.				
	During 1906-07.	During 1905-06.	*Average of Triennium.* 1902-03 to 1904-05.	1899-1900 to 1901-02.	1896-97 to 1898-99.
	Acres.	Acres.	Acres.	Acres.	Acres.
Punjab	41,446	43,324	109,677	519,448	709,833
North-West Frontier Province...	35,395	31,668	19,090	...	...
United Provinces	125,380	126,186	112,018	134,577	148,370
Madras	588,466	565,765	568,519	532,548	540,911
Sind	930,664	882,937	816,047	831,324	804,948
Bombay	39,156	29,580	37,095	40,859	39,144
Rajputana	33,519	11,153	26,665	24,100	33,539
Baluchistan	9,003	6,253	5,468	5,345	5,033
Burma	443,405	442,288	445,571	433,271	396,906
Bengal	1,965	...	...	...	...
Total ...	2,248,399	2,139,154	2,140,150	2,521,472	2,678,690
Punjab, Bikanir State ...	9,504	3,024	8,765	9,945	6,344
GRAND TOTAL ...	2,257,903	2,142,178	2,148,915	2,531,417	2,685,034

The large reduction in the area irrigated in the past three triennia is due mainly to the transfer of the Lower Sutlej and Chenab Inundation Canals in 1900-01, from Minor Works, for which Capital and Revenue Accounts are kept, to Minor Works for which only Revenue Accounts are kept, and of the Upper Sutlej Inundation Canals in 1902-03 and of the Indus Inundation Canals in 1903-04 to Productive Works. In comparison with the previous year, however, there was an increase of 115,725 acres in the year under review.

The total net revenue from the Irrigation Works amounted to Rs. 34,41,689 during the year under review, against Rs. 27,87,516 in 1905-06, and Rs. 28,07,281 in 1904-05, the percentage on capital outlay being 8·41, 6·96 and 7·27, respectively, in the three years referred to. The increase as compared with the preceding year was due to an increase in net revenue in all the provinces except the North-West Frontier Province and Burma where there was a slight decrease.

In the North-West Frontier Province, the net revenue from the Kabul River Canal fell from 14·40 per cent. on the capital outlay in 1904-05 to 5·76 per cent. in 1905-06, and to 4·85 per cent. in 1906-07, the decrease being due to increased working expenses and to the increase in the Capital Account owing to the construction of the Hazar Khani Branch.

In the Punjab, against a loss of Rs. 8,054 in 1905-06 and a net revenue of Rs. 49 in 1904-05, the net revenue in the year under review amounted to Rs. 15,432.

In the case of the United Provinces the net revenue was 3·30 per cent., compared with 0·90 in 1905-06, and 3·18, 3·23 and 5·61, the averages of the three triennia, covering the period 1906-07 to 1894-95.

Rajputana gave a return of 2·20 per cent against 1·53 in 1905-06 and 2·14, 1·37 and 3·06, averages of the three triennia, 1904-05 to 1896-97.

The works in Bombay earned a net revenue of Rs. 56,120 against Rs. 46,349 in 1905-06 and Rs. 39,517 in 1904-05

In Sind the net revenue amounted to Rs. 13,64,563, or 28·21 per cent. on the capital outlay against 25·42 per cent. in 1905-06 and 19·48 per cent. in 1904-05. One of the works, namely, the Ghar Canal paid a return of 108·16 per cent. on the capital outlay during the year under review, and three others, the Marak Great, Sarfrazwah aud Fuleli Canals, 40·21, 26·05 and 24·51 per cent., respectively.

In Baluchistan, against Rs. 46,852 in 1904-05, and Rs. 34,557 in 1905-06, the net revenue in the year under review amounted to Rs. 71,287.

The working expenses exceeded the gross revenue in Bengal by Rs. 2,244.

The area shown in Burma is not under irrigation, but represents the area of cultivation on lands reclaimed by river flood embankments, the revenue of which is credited to the Capital Account of the works. This area in 1906-07 exceeded that of 1905-06 by 1,117 acres.

One new work was opened for irrigation in the Central Provinces and yielded a net revenue of Rs. 588 in the year under review.

IV.—Works for which only Revenue Accounts are kept.

19. There are numerous Minor Works for which separate Capital Accounts are not kept, either because the works are too small, or because they have not been constructed by the British Government, which has simply undertaken their improvement and maintenance. For such works only Revenue Accounts are maintained; they are credited with a share of the land revenue depending on their maintenance, and are debited with all expenditure incurred on construction, extension, improvements and maintenance. Particulars for the year 1906-07 are shown by provinces in the statement below:—

Financial Results of Minor Works for which only Revenue Accounts are kept.

Province.	Area irrigated.	Revenue receipts.	Charges.	Net revenue.
	Acres.	Rs.	Rs.	Rs.
Burma	417,627	14,52,645	10,26,265	4,26,380
Bengal	...	48,608	5,57,732	—5,09,124
Punjab	740,780	15,66,678	8,95,652	6,71,026
Bombay, including Sind ...	1,189,320	29,66,156	11,14,126	18,52,030
North-West Frontier Province ..	...	...	3,307	—3,307
Central Provinces... ...	...	2,863	1,85,165	—1,82,302
Total 1906-07	2,347,727	6,036,950	37,82,247	22,54,703
„ 1905-06	2,317,051	58,11,533	32,96,913	25,14,620
„ 1904-05	2,075,135	54,12,282	35,42,389	18,69,893

V.—Works for which neither Capital nor Revenue Accounts are kept.

20. There is a third important class of Minor Works chiefly existing in the Madras Presidency, for which neither Capital nor Revenue Accounts are kept. The Madras Works include over 28,000 tanks and 6,000 irrigation channels, the improvements and repairs of which are executed by the Public Works Department, or, in the case of the smaller works, by civil officers: the expenditure during 1905-07 amounted to Rs. 27,16,917, of which about one-fifth was spent by civil officers. The areas charged as irrigated by these small works in 1906-07 aggregated 3,450,743 acres, or more than the area irrigated by all the Major Works in the Presidency taken together, compared with 3,303,379 acres in 1905-06 and 3,323,141, 3,111,902, and 3,144,652 acres, averages of the three triennia covering the period 1896-97 to 1904-05. The revenue derived therefrom amounted to Rs. 92,42,434 compared with Rs. 83,45,977 in 1905-06, the increase being due to the favourable character of the season.

21. The following table summarizes the results of irrigation for all India during 1906-07 and compares them with those of the two previous years:—

Financial and Irrigational Results of Irrigation Works in operation in India.

Class of work.	Capital outlay to end of year on works in operation.	Gross revenue during the year.	Net revenue during the year.	Percentage of net revenue on capital outlay to end of year.	Area irrigated,
	Rs.	Rs.	Rs.	Per cent.	Acres.
I and II.—Majo Works. { I.—Productive / II.—Protective }	42,50,32,968	5,24,39,487	3,66,70,603	8·63	14,096,555
III.—Minor Works for which Capital and Revenue Accounts are kept.	6,37,51,186	56,72,536	33,69,447	5·28	2,248,399
IV.—Minor Works for which only Revenue Accounts are kept.	...	60,36,950	22,54,703	...	2,347,727
V.—Works for which neither Capital nor Revenue Accounts are kept.	...	94,07,221	51,46,001	...	3,532,268
Total 1906-07 ...	48,87,84,154	7,35,56,194	4,74,40,754	(*a*) 8·19	22,224,949
Total 1905-06 ...	47,84,79,766	6,35,19,698	3,84,02,730	(*a*) 6·69	22,988,063
Total 1904-05 ...	47,25,78,389	6,15,07,128	3,74,73,034	(*a*) 7·01	20,107,510

(*a*) Percentages calculated on works of classes I, II and III.

The total area irrigated was over 22 million acres, while the value of the crops raised by the works for which capital accounts are kept is estimated at Rs. 53 crores, or nearly 109 per cent. of the capital outlay expended on them.

ORDER.—Ordered that this Review, with a copy of the note by the Accountant-General, Public Works Department, be forwarded to the Finance and Revenue and Agricultural Departments and to the Local Governments and Administrations in the Public Works Department noted on the margin, for information.

The Governments of Madras, Bombay, Bengal, the United Provinces of Agra and Oudh, the Punjab, Burma and Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner of the Central Provinces.
The Chief Commissioner of Coorg.
The Hon'ble the Resident at Hyderabad.
The Hon'ble the Agents to the Governor-General for Central India, Rajputana and Baluchistan.
The Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.
The Accountant-General, Public Works Department.

Ordered, also, that the Review and the note be published in the Supplement to the *Gazette of India*.

Ordered, further, that a copy of the Review and note be forwarded to His Majesty's Secretary of State for India, for information.

L. M. JACOB,

Secretary to the Government of India.

Punjab Government Press, Lahore—30-10-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 6, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED OCTOBER 17, 1908.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 16th October, 1908.

No. 2156-*M.*—His Excellency the Viceroy and Governor-General will leave Simla by landau at 8 A.M. on Saturday, the 31st October 1908.

His Excellency's departure from Simla will be private.

His Excellency will visit Jodhpur, Bikanir, Lucknow, Agra, Benares, and Pusa and will arrive at Calcutta on the 5th December 1908. The arrival at Calcutta will be private.

All covers intended to reach His Excellency the Viceroy and party during the tour should be addressed "Viceroy's Camp," without the addition of any post town.

The party accompanying His Excellency on tour will be as follows :

Her Excellency the Countess of Minto.
Lady Violet Elliot.
Mr. Arthur Guise.
Mr. S. H. Butler, C.I.E., Foreign Secretary.
Lieutenant-Colonel J. R. Dunlop Smith, C.I.E., Pivate Secretary.
Lieutenant-Colonel V. R. Brooke, D.S.O., Military Secretary.
Surgeon-Lieutenant-Colonel W. R. Crooke-Lawless, M.D., C.I.E., Surgeon.
Captain Lord F. Scott, A.-D.-C.
Captain R. G. Jelf, A.-D.-C.
Captain J. E. Gibbs, A.-D.-C.
Captain Viscount Windsor, A.-D.-C.

All communications of a mere routine nature should be sent, as usual, to the head-quarters of the several departments.

By Command,

VICTOR BROOKE, *Lieut.-Colonel,*

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.

SANITARY.

Simla, the 14th October, 1908.

No. 2178.—For the purposes of section 6, sub-section (1), clause (*p*) of the Indian Ports Act, 1889 (X of 1889), as amended by the Indian Ports Act, 1901 (III of 1901), the Governor General in Council is pleased to direct that sleeping sickness, including the stage of the disease known as trypanosomiasis, shall be deemed to be a dangerous, infectious or contagious disease uncommon in India.

JUDICIAL.

The 20th August, 1908.

No. 1083-*A*.—In exercise of the power conferred by section 4 of the Punjab Courts Act, 1884 (XVIII of 1884), the Governor General in Council is pleased to appoint Mr. D. C. Johnstone, I.C.S., a divisional judge in the Punjab, at present on leave, to be a Judge of the Chief Court, Punjab, in the vacancy which will be caused by the retirement of the Hon'ble Mr. P. C. Chatarji on the 8th October 1908.

Pending Mr. Johnstone's return from leave, the Governor General in Council is pleased in exercise of the said power to appoint Mr. H. A. B. Rattigan, Barrister-at-Law, Legal Remembrancer, Punjab, to act as a Judge of the Chief Court in the above-mentioned vacancy.

The 30th September, 1908.

No. 1235-*A*.—In exercise of the power conferred by section 4 of the Punjab Courts Act, 1884 (XVIII of 1884), the Governor General in Council is pleased to appoint the Hon'ble Mian Muhammad Shah Din, Khan Bahadur, Barrister-at-Law, to be temporary additional judge of the Chief Court, Punjab, with effect from the date on which he takes his seat.

POLICE.

The 15th October, 1908.

No. 1264.—The following notifications of the Government of India in the Home Department, having been superseded by the notifications Nos. 922 and 923, dated the 10th July 1908, creating general police districts embracing the lands occupied by the railways mentioned therein, are hereby cancelled:

No. 83, dated the 11th February 1898.
No. 238, dated the 28th March 1901.
No. 273, dated the 12th April 1901.
No. 817, dated the 22nd November 1901.
No. 112, dated the 3rd February 1905.

H. A. STUART,
Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA, OCTOBER 17, 1908.

No. 9502—9522-1.

GOVERNMENT OF INDIA,—DEPARTMENT OF COMMERCE AND INDUSTRY.

COMMERCIAL EXHIBITIONS.

Simla, the 15th October 1908.

RESOLUTION.

Information has been received by the Government of India to the effect that the proposed Grand Exhibition of Japan, the general regulations of which were published in their Resolution No. 1375-1395-1, dated the 7th February 1908, will not be held in 1912, as originally intended, the Japanese Government having decided to postpone the Exhibition till 1917.

Ordered that the foregoing Resolution be published in the Supplement to the *Gazette of India* for general information, and that copies be forwarded to the Local Governments and Administrations named in the margin for information, and to the Foreign Department, for information and communication to Native States.

The Government of Madras.
" " " Bombay.
" " " Bengal.
" " " the United Provinces.
" " " the Punjab.
" " " Burma.
" " " Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner, Central Provinces.
The Hon'ble the Agent to the Governor General and Chief Commissioner, North-West Frontier Province.
The Hon'ble the Chief Commissioner of Coorg.
The Hon'ble the Chief Commissioner of Ajmer-Merwara.

Ordered, also, that a copy be forwarded to all Chambers of Commerce for information.

B. ROBERTSON,
Secretary to the Government of India.

FROM THE GAZETTE OF INDIA, DATED OCTOBER 24, 1908.

HOME DEPARTMENT.

NOTIFICATION.

EXAMINATIONS.

Simla, the 21st October, 1908.

No. 439.—The following regulation respecting the examination of candidates for the Civil Service of India to be held in August 1909, are published for general information:

[*Copies of this paper may be obtained on application to the Secretary to the Government of India, Home Department.*]

EXAMINATIONS FOR THE CIVIL SERVICE OF INDIA.

An open Competitive Examination for admission to the Civil Service of India will be held in London, under the subjoined Regulations, commencing on the 2nd August, 1909.

The number of persons to be selected at this examination will be announced hereafter.

No person will be admitted to compete from whom the Secretary, Civil Service Commission, has not received on or before the 1st July, 1909, *an application on the prescribed form, a copy of which is sent herewith. No question as to the delay or loss in the post of any such Application Form can be entertained. Candidates, who delay their applications until the last days, will do so at their own risk.*

Acknowledgments of such Application Forms are sent, and any Candidate who has filled up and returned the printed Application Form but has not received an acknowledgment of it within four complete days should at once write to the Secretary, Civil Service Commission, Burlington Gardens, London, W. Failure to comply with this provision will deprive the Candidate of any claim to consideration.

The Order for admission to the Examination will be posted on the 20th July, 1909, *to the address given on the Form of Application. It will contain instructions as to the time and place at which Candidates will be required to attend and as to the manner in which the fee (£6) is to be paid.*

CIVIL SERVICE COMMISSION.

August, 1908.

REGULATIONS.

*** *The following Regulations, made by the Secretary of State for India in Council, are liable to alteration from year to year.*

1. An Examination for admission to the Civil Service of India, open to all qualified persons, will be held in London in August of each year. The date of the Examination and the number of appointments to be made for each Province will be announced beforehand by the Civil Service Commissioners.

2. No person will be deemed qualified who shall not satisfy the Civil Service Commissioners:

(i) That he is a natural-born subject of His Majesty.

(ii) That he had attained the age of twenty-two, and had not attained the age of twenty-four on the first day of August of the year in which the Examination is held.

[*N.B.—In the case of Natives of India it will be necessary for a Candidate to obtain a certificate of age and nationality issued under Notification of the Government of India, No.* 2252, *dated* 21*st August* 1888, *as amended by Notification No.* 404, *dated* 19*th May*, 1898, *and signed, should he be a resident in British India, by the Secretary to Government of the Province, or the Commissioner of the Division within which his family resides, or should he reside in a Native State, by the highest Political Officer accredited to the State in which his family resides.*]

(iii) That he has no disease, constitutional affection, or bodily infirmity, unfitting him, or likely to unfit him, for the Civil Service of India.

(iv) That he is of good moral character.

3. Should the evidence upon the above points be *primâ facie* satisfactory to the Civil Service Commissioners, the Candidate, on payment of the prescribed fee, will be admitted to the Examination. The Commissioners may, however, in their discretion, at any time prior to the grant of the Certificate of Qualification hereinafte rreferred to, institute such further inquiries as they may deem necessary; and if the result of such inquiries in the case of any Candidate should be unsatisfactory to them in any of the above respects he well be ineligible for admission to the Civil Service of India, and, if already selected, will be removed from the position of a Probationer.

4. The Open Competitive Examination will take place only in the following 33 subjects (*a*):

		Marks.
1.	English Composition ...	500
2.	Sanskrit Language and Literature ...	600
3.	Arabic Language and Literature ...	600
	Greek, not less than two sub-divisions, of which one must be Translation:	
4.	Translation ...	300
5.	Composition ...	300
6.	Literature ...	300
	Latin, not less than two sub-divisions, of which one must be Translation:	
7.	Translation ...	300
8.	Composition ...	300
9.	Literature ...	300
10.	English Language and Literature ...	600
11.	Italian Language and Literature ...	600
12.	French Language and Literature ...	600
13.	German Language and Literature ...	600
14.	Lower Mathematics ...	1,200
15.	Higher Mathematics ...	1,200
	Natural Science, *i. e.*, any number not exceeding *four* of the following:	
16.	Chemistry ...	600
17.	Physics ...	600
18.	Geology ...	600
19.	Botany ...	600
20.	Zoology ...	600
21.	Animal Physiology ...	600
22.	Geography ...	600
23.	Greek History (Ancient, including Constitution) ...	500
24.	Roman History (Ancient, including Constitution) ...	500

(*a*) A Syllabus, defining the character of the Examination in the various subjects, may be obtained on application to the Secretary, Civil Service Commission, London, W.

		Marks.
	English History, either or both sections may be taken:	
25.	Section I. to A.D. 1485 ...	400
26.	Section II. A.D. 1485 to 1848 ...	400
27.	General Modern History ...	500
28.	Logic and Psychology ...	600
29.	Moral and Metaphysical Philosophy ...	600
30.	Political Economy and Economic History	600
31.	Political Science ...	500
32.	Roman Law ...	500
33.	English Law ...	500

Consistently with the limitations specified above Candidates are at liberty to name any of these subjects, provided that the maximum number of marks that can be obtained from the subjects chosen is limited to 6,000. If this maximum is exceeded by a Candidate's selection he will be required to indicate one of his subjects, the marks for which should, in his case, be reduced so as to bring his maximum marks within the prescribed limit. The marks so reduced will be subject to a correspondingly reduced deduction under Clause 6.

5. The merit of the persons examined will be estimated by marks (*b*); and the number set opposite to each subject in the preceding regulation denotes the greatest number of marks that can be obtained in respect of it.

6. From the marks assigned to Candidates in each subject will be made such deduction as the Civil Service Commissioners may deem necessary in order to secure that no credit be allowed for merely superficial knowledge.

7. The Examination will be conducted on paper and *vivâ voce*, as may be deemed necessary.

8. The marks obtained by each Candidate, in respect of each of the subjects in which he shall have been examined, will be added up, and the names of the several Candidates who shall have obtained, after the deduction above mentioned, a greater aggregate number of marks than any of the remaining Candidates will be set forth in order of merit, and such Candidates shall be deemed to be Selected Candidates for the Civil Service of India, provided they appear to be in other respects duly qualified. Should any of the Selected Candidates become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled up or not. In the former case the Candidate next in order of merit, and in other respects duly qualified, shall be deemed to be a Selected Candidate.

9. Selected Candidates, before proceeding to India, will be on probation for one year, at the end of which time they will be examined, with a view of testing their progress in the following subject (*c*);

Compulsory—

		Marks.
1.	Indian Penal Code ...	400
2.	Code of Criminal Procedure ...	200
3.	The Indian Evidence Act ...	200
4.	Indian History ...	400
*5.	The principal Vernacular Language of the Province to which the Candidate is assigned ...	400

Optional. [Not more than one of the following subjects.]

		Marks.
1.	Hindu and Muhammadan Law ...	450
†2.	Sanskrit ...	400
†3.	Arabic ...	400
4.	Persian ...	400
5.	Hindustani (for Candidates assigned to the Province of Burma only) ...	400

* The principal Vernacular Language prescribed for each Province to which Candidates are assigned is as follows:

For the United Provinces of Agra and Oudh, the Punjab and the Central Provinces	Hindustani.	
For Burma ...	Burmese.	
For Bombay ...	Marathi.	
For Madras ...	Tamil or Telugu	At the option of the Candidate.
For the Lower Provinces of Bengal ...	Hindustani or Bengali	At the option of the Candidate.

In Hindustani the Candidate will be required to be acquainted with both the Persian and the Nagri character; and in the case of the last two Provinces mentioned above a Candidate whose Vernacular Language is either of the languages shown against his Province, must offer the other for examination.

†These subjects may not be offered by any Candidate who has offered them at the Open Competition.

In this Examination, as in the Open Competition, the merit of the Candidates examined will be estimated by marks (which will be subject to deductions in the same way as the

(*b*) Considerable deductions will be made for bad handwriting.

(*c*) Instructions, showing the extent of the examination, will be issued to Selected Candidates as soon as possible after the result of the Open Competition is declared.

marks assigned at the Open Competition), and the number set opposite to each subject denotes the greatest number of marks that can be obtainad in respect of it. The Examination will be conducted on paper and *vivâ vøce,* as may be deemed necessary. This Examination will be held at the close of the year of probation, and will be called the *"Final Examination."*

If any Candidate is prevented by sickness or any other adequate cause from attending such examination, the Commissioners may, with the concurrence of the Secretary of State for India in Council, allow him to appear at the Final Examination to be held in the following year, or at a special examination.

10. The Selected Candidates will also be tested during their probation as to their proficiency in Riding.

The examinations in riding will be held as follows:

(1) Shortly after the result of the Open Competitive Examination has been declared, or at such time or times as the Commissioners may appoint during the course of the probationary year.

(2) Again, at the time of the Final Examination Candidates who may then fully satisfy the Commissioners of their ability to ride well and to perform journeys on horseback will be awarded from 100 to 200 marks, according to the degree of proficiency displayed, to be added to their marks in the Final Examination. Candidates who fail to obtain 100 marks, but are reported by the Civil Service Commissioners to have reached a minimum standard of proficiency in riding, and are certified by the said Commissioner to be entitled to be appointed to the Civil Service of India, will, on their arrival in India, be subjected to such further tests in riding as may be prescribed by their Government, and shall receive no increase to their intitial salary until they have passed such tests to the satisfaction of that Government.

A Candidate who fails at the end of the year of probation to satisfy the Civil Service Commissioners that he has reached the minimum standard of proficiency in riding, will be liable to have his name removed from the list of Selected Candidates.

11. The Selected Candidates who, on examination, shall be found to have a competent knowledge of the subjects specified in Regulation 9, and who shall have satisfied the Civil Service Commissioners of their eligibility in respect of nationality, age, health, character, conduct during the period of probation, and ability to ride, shall be certified by the said Commissioners to be entitled to be appointed to the Civil Service of India, provided they shall comply with the regulations in force, at the time, for that Service.

12. Persons desirous to be admitted as Candidates must apply on Forms, which may be obtained from "The Secretary to the Civil Service Commissioners, London," at any time after the 1st December, in the year previous to that in which the Examination is to be held. No person will be admitted to the Examination from whom the Secretary to the Civil Service Commissioners has not received on or before the 1st July (or, if that date should fall upon a Sunday or public holiday, then, on or before the first day thereafter on which their office is open), in the year in which the Examination is to be held, an application, in the handwriting of the Candidate, on the prescribed form.

The Civil Service Commissioners are authorised by the Secretary of State for India in Council to make the following announcements:

(i) *Selected Candidates will be allotted to the various provinces upon a consideration of all the circumstances, including their own wishes; but the requirements of the Public Service will rank before every other consideration.*

(ii) *An allowance amounting to £150 will be given to any Candidate who passes his probation at one of the Universities or Colleges which have been approved by the Secretary of State, viz., the Universities of Oxford, Cambridge, Dublin, Glasgow, Edinburgh, St Andrews Aberdeen and London (University College or King's College); Victoria University, Manchester.*

This allowance will be paid to the selected Candidate in four instalments on the following dates, respectively:—December 24th, after his selection, March 25th, June 24th, and the date of his signing his covenant on being finally appointed to the Service.

With the final instalment an allowance on account of passage to India will be paid to each newly appointed civilian to the amount of £37 10s. 0d., for passage to Calcutta, Madras or Bombay and £43 for passage to Rangoon, the Officer then making his own arrangements for his passage.

The payment of each of the first three instalments will be conditional on the receipt, by the Secretary of State, through the Civil Service Commissioners, of a certificate that the Candidate has fulfilled up to date the requirements of the Authorities, and shown satisfactory conduct at the Authorized University or College; the fourth and final instalment will be paid as soon as the selected Candidate has signed his covenant, and for its payment no certificate from College Authorities will be required.

The whole probation must ordinarily be passed at the same Institution. Migration will not be permitted except for special reasons approved by the Secretary of State.

(iii) *Each Candidate will be required before receiving the first instalment of his allowance to execute an agreement binding himself to refund all monies he may have received from the Secretary of State for India in the event of—*

(1) *his failure to pass the Final Examination within the time prescribed by the Regulations, and to satisfy the Civil Service Commissioners of his fitness for admission to the Civil Service of India, or*

(2) *his subsequent failure to execute the usual covenant, and to proceed to India, as and when he shall be directed by the Secretary of State for India.*

(iv) *All Candidates obtaining Certificates will be also required to enter into covenants, by which amongst other things, they will bind themselves to make such payments as under the rules and regulations for the time being in force, they may be required to make towards their own pensions or for the pensions of their families. The stamps payable on these covenants amount to £1.*

(v) *The seniority in the Civil Service of India of the Candidates obtaining Certificates will be determined according to the order in which they stand on the list resulting from the combined marks of the Open Competitive and Final Examinations.*

(vi) *Candidates obtaining Certificates will be required to report their arrival in India within such period after the grant of their Certificates of Qualifications as the Secretary of State may in each case direct.*

(vii) *Candidates who fail to satisfy the Civil Service Commissioners at the Final Examination held in any year will be definitely rejected, and will not be allowed to present themselves for re-examination, unless it shall appear to the Secretary of State in Council after reference to the Civil Service Commissioners, that such failure is due to circumstances wholly exceptional and beyond the control of the Candidate.*

[*Copies of this paper may be obtained on application to the Secretary to the Government of India, Home Department.*]

CIVIL SERVICE OF INDIA; ETC., ETC.

SYLLABUS of any open Competitive Examination for the Civil Service of India, Clerkships (Class I.) in the Home Civil Service, and Eastern Caderships in the Colonial Service that may be held in the year 1909, and of any other competition that may be held in combination therewith.

In view of the importance of legible handwriting in the public service, Candidates are warned that the provision as to deductions for bad handwriting in these competitions will be strictly enforced.

Candidates are warned that full marks cannot be obtained on any paper unless the whole of it is answered, or, in cases where the number of questions to be answered is specified, unless the full number specified is answered.

1. **English Composition.**—An Essay to be written on one of several specified subjects.

2. **Sanskrit Language and Literature.**—Translation from Sanskrit into English, and from English into Sanskrit. History of Sanskrit Literature (including knowledge of such Indian history as bears upon the subject); Sanskrit Grammar; Vedic Philology.

3. **Arabic Language and Literature.**—Translation as in Sanskrit; History of Arabic Literature (including knowledge of such Arabic History as bears upon the subject); Arabic Grammar; Arabic Prosody.

4. **Greek Translation.**—Translation from Greek into English.

5. **Greek Composition.**—Composition in Prose and Verse, or (as an alternative for Verse Composition) an original Prose Composition in Greek.

6. **Greek Literature.**—Critical questions on the Greek Language (including questions on Philology) and Literature.

7. **Latin Translation.**—Translation from Latin into English.

8. **Latin Composition.**—Composition in Prose and Verse, or (as an alternative for Verse Composition) an original Prose Composition in Latin.

9. **Latin Literature.**—Critical questions on the Latin Language (including questions on Philology) and Literature.

10. **English Language and Literature.**—The Examination will be in two parts. In the one the Candidates will be expected to show a general acquaintance with the course of English Literature, as represented (mainly) by the following writers in verse and prose, between the reign of Edward III and the accession of Queen Victoria:

Verse—Chaucer, Langland, Spenser, Shakespeare, Milton, Dryden, Pope, Gray, Collins, Johnson, Goldsmith, Crabbe, Cowper, Campbell, Wordsworth, Scott, Byron, Coleridge, Shelley, Keats.

Prose—Bacon, Sir Thomas Browne, Milton, Cowley, Bunyan, Dryden, Swift, Defoe, Addison, Johnson, Burke, Scott, Macaulay (Essays and Biographies).

A minute knowledge of the works of these authors will not be looked for in this part of the Examination, which will, however, test how far the Candidates have studied the chief productions of the greatest English writers *in themselves,* and are acquainted with the leading characteristics of their thought and style, and with the place which each of them occupies in the history of English Literature. Candidates will also be expected to show that they have studied in these authors the history of the English Language in respect of its vocabulary, syntax, and prosody.

The other part of the Examination will relate to one of the periods named below, which will follow each other year by year in the order indicated :—

1. For the year 1909: A. D. 1600 to A. D. 1700.

   [Shakespeare to Dryden.]

2. For the year 1910 : A. D. 1700 to A. D. 1800.

   [Pope to Cowper.]

3. For the year 1911 : A. D. 1800 to A. D. 1832.

   [Nineteenth Century writers to the death of Scott.]

4. For the year 1912 : A. D. 1360 to A. D. 1600.

   [Chaucer to Spenser.]

The Examination in this part will require from Candidates a more minute acquaintance with the history of the English Language and Literature, as illustrated in the chief works produced in each period, and will be based to a considerable extent, but by no means exclusively, on certain books specified each year by the Commissioners. The names placed under the dates are intended to suggest the general character of the literary development of the period, and, consequently, the natural limits of the Examination. All the works of Shakespeare, for example, will be regarded as falling within the period 1600 to 1700 ; all the works of Swift within the period 1700 to 1800 ; all the works of Scott and Wordsworth, and all the works of Macaulay within the period 1800 to 1832.

The books specified for the year 1909, period 1600 to 1700, are :—

Shakespeare : Twelfth Night. Henry IV.

Milton : Samson Agonistes. Lyrical Poems (including Lycidas).

Beaumont and Fletcher : Philaster.

Dryden : Hind and Panther. The Rehearsal. Critical Essays.

Bacon : Essays.

Cowley : Essays.

Bunyan : Pilgrim's Progress.

11. **Italian Language and Literature.**—Translation and Composition. Critical questions on the Italian Language and Literature. Conversation.

Paper 1 will consist of translation from and into the language. In Paper 2 (Language and Literature) Candidates will be invited to answer in the foreign language some of the questions, and marks will be allotted for accuracy, facility, and elegance in the composition of these answers. Passages for translation may be set, and questions asked, demanding a knowledge of the language in its early stages; but it will not be obligatory upon candidates to master in detail the old forms in use before the time of Dante.

12. **French Language and Literature.**—Translation and Composition. Critical questions on the French Language and Literature. Conversation.

Paper 1 will consist of translation from and into the language. In Paper 2 (Language and Literature) Candidates will be invited to answer in the foreign language some of the questions, and marks will be allotted for accuracy, facility and elegance in the composition of these answers. Passages for translation may be set, and questions asked, demanding a knowledge of the language in its early stages; but it will not be obligatory upon candidates to master in detail the old forms in use before 1500.

13. **German Language and Literature.**—Translation and Composition. Critical questions on the German Language and Literature. Conversation.

Paper 1 will consist of translation from and into the language. In Paper 2 (Language and Literature) Candidates will be invited to answer in the foreign language some of the questions, and marks will be allotted for accuracy, facility and elegance in the composition of these answers. Passages for translation may be set, and questions asked, demanding a knowledge of the language in its early stages; but it will not be obligatory upon candidates to master in detail the old forms in use before 1500.

14. **Lower Mathematics.**—Plane Geometry including conic sections; Solid Geometry including the method of orthogonal projection; Algebra and Plane Trigonometry; Elementary Plane Co-ordinate Geometry; Elementary Mechanics of solids and fluids; Geometrical Optics; Elements of Differential and Integral Calculus with simple illustrations from other branches of the subject.

15. **Higher Mathematics.**—Higher Algebra (including Theory of Equations), Plane and Spherical Trigonometry, Differential Calculus, Integral Calculus, Differential Equations, Analytical Geometry (Plane and Solid), Statics including Attractions, Dynamics of a Particle, Rigid Dynamics, Hydrodynamics, the Mathematical Theory of Electricity and Magnetism.

16-21. **Chemistry, Physics, Geology, Botany, Zoology, Animal Physiology.**—Candidates are warned that the practical Examinations carry a large proportion of the marks.

22. **Geography.**—The history of geographical ideas and methods.

The construction and use of the more familiar map-projections. A general knowledge of the methods of exploratory surveying.

The characteristics and cartographical analysis of the physical regions of the world. The configuration of the continents and of the bed of the ocean. The characteristics and distribution of typical land-forms. The circulation of air and water. The climatic characteristics of different parts of the earth. The distribution of plant and animal-associations.

The classification and distribution of the races of mankind. Past and present lines of communication. The influence of geographical environment (physical features and other natural conditions) upon the habits, arts, industries, social organisation and, generally, the political and economical development of the more important existing peoples.

23. **Greek History.**—Questions (*a*) on the General and (*b*) on the Constitutional History of Greece to the death of Alexander. Candidates will be expected to show a knowledge of the original authorities.

They must also be prepared to answer questions on historical geography, and to draw sketch maps.

24. **Roman History.**—Questions (*a*) on the General and (*b*) on the Constitutional History of Rome to the dealth of Trajan. Candidates will be expected to show a knowledge of the original authorities. They must also be prepared to answer questions on historical geography, and to draw sketch maps.

25-26. **English History.**—The subject will include (*a* the Political History of Great Britain, Ireland, and the Colonies, (*b*) the Constitutional History of the United Kingdom. Candidates should be acquainted with the following authorities :

Section I. Stubbs, Select Charters [Clarendon Press].

Section II. Prothero, Statutes and Constitutional Documents [Clarendon Press]. Gardiner, Documents of the Puritan Revolution [Clarendon Press].

In each section the number of marks assigned to the question or questions dealing with the text of the prescribed books will be about one sixth of that assigned to the whole section. Candidates must be prepared to answer questions on historical geography, and to draw sketch maps.

27. **General Modern History.**—Candidates may, at their choice, be examined in any *one* of the following periods. Periods III, IV and V will include Indian History.

Candidates are warned that high marks will not be awarded in this subject unless the text of the prescribed books has been carefully studied by them. Candidates must be prepared to answer questions on historical geography, and to draw sketch maps :—

I. From the accession of Charlemagne to the Third Crusade. [A. D. 800 to A. D. 1193.]

II. From the Third Crusade to the Diet of Worms. A. D. 1193 to A. D. 1521.]

III. From the Diet of Worms to the death of Louis XIV. [A. D. 1521 to A. D. 1715].

IV. From the accession of Louis XV to the French Revolution of 1848. [A. D. 1715 to A. D. 1848.]

V. From the Peace of Paris to the Treaty of Berlin. [A. D. 1763 to A. D. 1878.]

Candidates should be acquainted with the following authorities :—

PERIOD I.

800-1193.

Einhard : Vita Caroli Magni, from 800 A. D. ⋮	Eds. : Pertz. Scriptores Rerum Germanicarum.
Lambert of Hersfeld	Ed. : Pertz.
Suger : Vita Ludovici	Eds. : (1) Migne. (2) Société de l'Histoire de France, 1868.
Otto of Freising : De gestic Frederici I.	Ed. : Pertz. The continuator is not included.

PERIOD II.

1193-1521.

Joinville : St. Louis	Eds. : (1) Petitot. (2) Michaud et Poujoulat. (3) Buchon. (4) Société de l'Histoire de France 1868.
Philippe de Comines : Mémoires	Eds. : (1) Petitot, (2) Michaud et Poujoulat, (3) Buchon, (4) de Mandrot ; Ficard, Paris, 1901, 3.

Machiavelli : The Prince. English translation by Thompson, published by the Clarendon Press.

PERIOD III.

1521-1715.

Sully : Mémoires, up to the Treaty of Vervins ...	Eds. : (1) Petitot, (2) Michaud et Poujoulat.
Torcy : Mémoires	" " " "

PERIOD IV.

1715-1848.

Frederick II	Histoire de mon Temps, *and* La Guerre de Sept Ans. Eds.: (1) Boutaric, (2) Œuvres de Frédéric II, published by Decker; Berlin, 1846.
Malmesbury	Diaries and Correspondence; London, Bentley, 1844; Vol. II, Mission to The Hague, pages 66-443; Vol. III. Mission to Lisle, pages 363-599.
Metternich	Aus Metternich's nachgelassenen Papieren; Autorisirte Original-Ausgabe; Vienna, 1880; up to 1815. *Or in English translation*— Autobiography of Prince Metternich; Translated by Mrs. Napier. London, Bentley, 1880-1881.

PERIOD V.

1763-1878.

Malmesbury	As for Period IV.
Metternich	As for Period IV.
Bianchi	La Politique du Comte Camille de Cavour, 1852-1861 (Turin, 1885).
Bismarck	Gedanken und Erinnerungen von Bismarck (Edited by H. Kohl, Stuttgart, 1898); up to 1878. *Or in English translation*— Bismarck, the man and the Statesman; Reflections and Reminiscences, etc. Translated under supervision of A. J. Butler (London, Smith and Elder, 1898)

28. **Logic and Psychology.**—The History of the subject will be included.

29. **Moral and Metaphysical Philosophy.**—The history of the subject will be included.

30. **Political Economy and Economic History.**—Candidates will be expected to possess a knowledge of economic theory as treated in the larger text books, also a knowledge of the existing economic conditions, and of statistical methods as applied to economic inquiries, together with a general knowledge of the history of industry, land tenure and economic legislation in the United Kingdom. Candidates should pay attention to the study of statistical methods.

31. **Political Science.**—The Examination will not be confined to Analytical Jurisprudence, Early Institutions, and Theory of Legislation, but may embrace Comparative Politics, the History of Political Theories, &c. Candidates will be expected to show a knowledge of original authorities.

33. **English Law.**—Under the head of "English law" are included the following subjects, *viz*:—(1) Law of Contract; (2) Law of Evidence; (3) Law of the Constitution; (4) Criminal Law; (5) Law of Real Property; and of these five subjects Candidates are at liberty to offer any four, but not more than four.

The following applies only to candidates for clerkships in the Establishment of the Foreign Office, for Attachéships in the Diplomatic Service, and for Student Interpreterships in China, Japan and Siam.

Spanish Language and Literature.—Translation and Composition. Critical questions on the Spanish Language and Literature. Conversation.

Paper 1 will consist of translation from and into the language. In paper 2 (Language and Literature) Candidates will be invited to answer in the foreign language some of the questions, and marks will be allotted for accuracy, facility, and elegance in the composition of these answers. Passages for translation may be set, and questions asked, demanding a knowledge of the language in its early stages; but it will not be obligatory upon candidates to master in detail the old forms in use before 1500.

French, German, Italian, Spanish.—In each of these languages a separate paper in original composition will be set for candidates who do not take the critical questions on the language and literature.

CIVIL SERVICE COMMISSION,

August, 1908.

[*Copies of this paper may be obtained on application to the Secretary to the Government of India, Home Department.*]

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1909.

FORM TO BE FILLED UP BY CANDIDATES FOR EXAMINATION.

This Application Form relates only to the Competition for the Civil Service of India, and does not entitle a Candidate to compete also for the Home for Colonial Civil Service. Intending Candidates for either or both of these services must obtain the proper form or forms of application and forward them so as to reach the Secretary, Civil Service Commission, on or before July 1st. See ex page.

*** *The order for admission to the Examination will not be issued unless this Form, filled up by the Candidate himself, is received by the Secretary of the Civil Service Commission on or before the* 1st July 1909.

SIR,

I beg to inform you that I wish to be a Candidate at the Examination for the Civil Service of India, which is appointed to commence in London on the 2nd of August 1909.

Candidates not born within the British Dominions should state this fact in a separate letter.

I am a natural-born subject of His Majesty

I hereby declare that I was born on the   day of

18 , and that therefore I shall have attained the age of 22 years and shall not have attained the age of 24 years on the 1st of August, 1909; I also declare that I have no disease, constitutional affection, or bodily infirmity unfitting me, or likely to unfit me, for the Civil Service of India; and that I am of good moral character, and otherwise eligible under the regulations; and I undertake that, if I am successful, I will conform, during my period of probation, to such rules respecting the conduct of Public Servants as have been laid down, or may hereafter be laid down, by the Secretary of State for India in Council.

Candidates who are not Natives of India should strike out this paragraph.

I send herewith a Certificate of age and nationality issued in accordance with the rule respecting Natives of India printed in paragraph III, on the next page.

* If you have never been examined, insert there the word "never."

†If you have been examined, give the date, etc., of the *last* occasion.

I beg to inform you that I was* ________ examined before the Civil Service Commissioners in the month of† ________ in the year 1 ______, as a Candidate for the situation of ________

I am, SIR,

Your obedient Servant,

Name in full ________

‡ If a London address, state the postal district; if a country address, state the post town.

Address to which it is desired that the Order for Examination should be sent‡ ________

Date ________

The Secretary,

Civil Service Commission.

Certificates of age (except as mentioned above), health, and character should not be supplied until after the result of the Examination is known.

N.B.—*Attention is drawn to the annexed Form which must be filled up by every Candidate.*

If an open Competitive Examination for Clerkships (Class I) in the Home Civil Service should be appointed to be held in August 1909, I request that a prescribed Form of Application may be forwarded to me when ready for issue.

Signature ________

If an open Competitive Examination for Eastern Cadetships should be appointed to be held in August 1909, I request that a prescribed Form of Application may be forwarded to me when ready for issue.

Signature ____________________

EVIDENCE OF AGE TO BE REQUIRED FROM CANDIDATES FOR THE CIVIL SERVICE OF INDIA.

I. Every Candidate born in the United Kingdom should be prepared to produce, when required, a Certificate from the Registrar-General of Births, Marriages and Deaths, or from one of his provincial officers. This certificate may be obtained from the Registrar-General in London, Dublin or Edinburgh, or from the Superintendent Registrar of the District in which the birth took place.

II. A Candidate born of European parents in India should be prepared to produce, when required, a Certificate of Baptism from the district in which he was baptised. If this does not also mention the date of birth it should be accompanied by a statutory declaration by one of the Candidate's parents, stating the date and place of birth. When such certificates are not in the possession of the candidates, an Extract from the Registers kept at the India Office will probably be obtainable.

III. A Candidate who is a Native of India must, on or before the 1st July, 1909, produce a certificate of age and nationality issued under Notification of the Government of India, No. 2252, dated 21st August, 1888, as amended by Notification No. 404, dated 19th May, 1898, and signed, should he be a resident in British India, by the Secretary to Government of the Province, or the Commissioner of the Division, within which his family resides, or, should he reside in a Native State, by the highest Political Officer accredited to the State in which his family resides. *No other certificates will be accepted for this Competition.*

To be filled up by the Candidate himself, and returned with the Form of Application.

CIVIL SERVICE OF INDIA.

OPEN COMPETITVIE EXAMINATION COMMENCING 2ND AUGUST 1909.

*** THIS FORM MUST BE RECEIVED AT THE OFFICE OF THE CIVIL SERVICE COMMISSION ON OR BEFORE THE 1ST JULY 1909.

*** *Place your Initials against the Subjects which you select, and sign your name in the place indicated on the back of this form.*

Extract from Clause 4 of the Regulations :—

" . . . Candidates are at liberty to name any of these subjects provided that the maximum number of marks that can be obtained from the subjects chosen is limited to 6,000. If this maximum is exceeded by a Candidate's selection he will be required to indicate one of his subjects, the marks for which should, in his case, be reduced so as to bring his maximum marks within the prescribed limit. The marks so reduced will be subject to the correspondingly reduced deduction under Clause 6."

INITIALS.		MAXIMUM MARKS.
....	English Copositiomn	500
....	Sanskrit	600
....	Arabic	600
	Greek, *viz.* :—	
....	Translation	300
....	Composition	300
....	Literature	300
	Latin, *viz.* :—	
....	Translation	300
....	Composition	300
....	Literature	300
....	English	600
....	† Italian	600
....	† French	600
....	† German	600
....	Lower Mathematics	1,200
....	Higher Mathematics	1,200
	Natural Science, *viz.* :—	
....	‡ Chemistry	600
....	‡ Physics	600

†‡See Notes on the next page.

INITIALS.		MAXIMUM MARKS.
....	‡ Geology	600
....	‡ Botany	600
....	‡ Zoology	600
....	‡ Animal Physiology	600
....	Geography	600
....	Greek History	500
....	Roman History	500
....	English History, Period I	400
....	English History, Period II	400
....	General Modern History, Period ...	500
....	Logic and Psychology	600
....	Moral and Metaphysical Philosophy	600
....	Political Economy and Economic History ...	600
....	Political Science	500
....	Roman Law	500
	English Law, *viz.*—	
....	Law of Contract	500
....	Law of Evidence	
....	Law of the Constitution	
....	Criminal Law	
....	Law of Real Property	

Signature ____________________

Date ____________________

In addition to the Written Examination there will be an Oral Examination in each of the subjects marked thus†, and a Practical Examination in each of the subjects marked thus ‡. For the Practical Examination in Chemistry candidates may bring any standard books on Analysis, and for the Practical Examination in Botany, any standard Flora. All books brought must be submitted to the Presiding Examiner for his approval; no written notes of any kind will be allowed.

The Oral Examinations in Modern Languages being intended as colloquial *tests, no marks will be given at them to candidates who are not able to converse.*

Any candidate who wishes to decline *the Oral Examination or the Practical Examination in any of the subjects selected by him, should state this in the blank space below.*

To the Secretary,

Civil Service Commission,

London, W.

N. B.—*Attention is drawn to the annexed Form which must be filled up by every candidate.*

[*Copies of this paper may be obtained on application to the Secretary to the Government of India, Home Department.*]

NOTE.

If Open Competitive Examinations for the following Services, *viz.*—

Eastern Cadetships in the Colonial Service ;

Clerkships (Class I) in the Home Civil Service ;

should be held in 1909 concurrently with the Open Competitive Examination for the Civil Service of India, candidates duly eligible in respect of age will be admitted to compete for any two or all three of these Services, subject to the following conditions :

(1) They must enter and return to the Secretary, Civil Service Commission, within the time limited by the several regulations, an application on the form prescribed for each of the respective services.*

(2) Every successful candidate who may have been admitted to compete for either the India or the Colonial Service (or both), as well as for the Home Service, will be called upon to declare, immediately after the announcement of the result of the competitions, whether he prefers his name to remain on the list of candidates for the India or Colonial Service or on the list of candidates for Clerkships in the Home Civil Service.

The name of any candidate who fails to declare his choice when called upon to do so will be removed from the list of candidates for Clerkships in the Home Civil Service.

(3) Every successful candidate who may have been admitted to compete for both the India and Colonial Services will be called upon to declare, immediately after the announcement of the result of the competitions, whether he prefers his name to remain on the list of candidates for the Civil Service of India or on the list of candidates for Eastern Cadetships in the Colonial Service.

The name of any candidate who fails to declare his choice when called upon to do so will be removed from the list of candidates for Eastern Cadetships.

(4) All declarations of choice are irrevocable.

(5) Candidates for all three or any two of the above-mentioned services will be required to pay a consolidated fee of £6.

Civil Service Commission,

August 1908.

H. A. STUART,

Secretary to the Government of India.

*Candidates who may desire to enter the competitions for the Home and Colonial Services should apply about the beginning of February next to the Secretary, Civil Service Commission, London, W., for the prescribed forms of application.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 22nd October, 1908.

No. 168.—The following promotions and reversions are ordered in the superior Accounts Branch :—

Name.	From	To	With effect from
			1908.
1. Mr. F. W. Eicke ...	Examiner, class II ...	Examiner, class I, temporary ...	27th April.
* *	* * *	* * *	* *
3. Mr. R. Srinivasa Ayyar.	Examiner, class IV ...	Examiner, class III, temporary	27th April.
* *	* * *	* * *	*
5. Mr. C. H. James ...	Deputy Examiner, class II ...	Deputy Examiner, class I, temporary.	27th April.
* *	* * *	* * *	* *
23. Mr. M. K. Mitra ...	Examiner, class IV, 3rd grade, temporary.	Examiner, class IV, 3rd grade, permanent.	1st August.
* *	* * *	* * *	* *

The 23rd October, 1908.

No. 172.—Sirdar Sahib Balwant Singh, Sub-Engineer, 3rd grade, Punjab, is appointed to the Provincial Service of the Engineer Branch of the Public Works Department as an Assistant Engineer and is posted to the Punjab.

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

CUSTOMS.

Simla, the 20th October, 1908.

No. 9624—24.—In exercise of the power conferred by Section 23 of the Sea Customs Act, 1878 (VIII of 1878), the Governor-General in Council is pleased to extend to Imperial Service Troops the concession granted in the notification of the Government of India in the Department of Commerce and Industry, No. 3983—24, dated the 23rd April 1908, to Native Regiments of His Majesty's regular forces and Military Police Battalions, under which all band instruments (other than stringed instruments and certain specified accessories are exempted from the import duty leviable thereon under the Indian Tariff Act, 1894 (VIII of 1894).

P. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 23rd October, 1908.

VOLUNTEER CORPS.

MEDALS AND DECORATIONS.

No. 870.—His Excellency the Governor-General of India is pleased to confer the Volunteer Officers' Decoration upon the undermentioned officers:—

* * * * * * * *

1st Punjab Volunteer Rifles.

Lieutenant Allan George Harrison.

* * * * * * * *

A. W. L. BAYLY,

Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 20th October, 1908.

No. 78.—The services of 2nd class Assistant Surgeon E. A. Picachy, Indian Subordinate Medical Department, are placed at the disposal of the Government of the Punjab, for temporary civil employment in that Province, with effect from the 28th September 1908.

G. BOMFORD, M.D., SURGEON-GENERAL,

Director-General, Indian Medical Service.

THE HON'BLE THE AGENT TO THE GOVERNOR-GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATION.

Peshawar, the 15th October, 1908.

No. 95.—On return from the leave granted to him in Notification No. 413-N., dated the 15th July 1908, and subsequently extended by Notifications Nos. 1125-N., dated the 31st August 1908, and 1385-N., dated the 24th September 1908, Khwaja Sajjad Husain, B.A., resumed charge of his duties as officer in charge of the duties of the Inspector-General of Education, North-West Frontier Province and Baluchistan, on the forenoon of the 6th October 1908, relieving Khalifa Imad-ud-din, whose services were replaced at the disposal of the Punjab Government from that date.

By order, etc.,

J. L. MAFFEY,

Assistant Secretary to the Chief Commissioner,

North-West Frontier Province.

The 15th October, 1908.

No. 96.—The services of Mr. F. C. M. Cooke, Superintendent of Police, Dera Ismail Khan, are replaced at the disposal of the Government of the Punjab, with effect from the afternoon of the 8th August 1908.

By order, etc.,

A. H. GRANT,

Secretary to the Chief Commissioner,

North-West Frontier Province.

FROM THE "GAZETTE OF INDIA EXTRAORDINARY" DATED 3RD NOVEMBER 1908.

FINANCE DEPARTMENT.

No. 6201 A.

Simla, the 3rd November 1908.

NOTIFICATION— By the Government of India, Finance Department.

(In the following Notification "Notes" means "Promissory Notes of the Govrnment of India," and includes "Stock certificates issued in lieu thereof.")

Notice is hereby given that with effect from the 19th November 1908 the Governor-General in Council is prepared to give Notes of the 3½ per cent. loan of 1900-01 in exchange for Notes of the 3 per cent. loan of 1896-97, on the following terms: —

(1) If the face value of the 3 per cent. Notes tendered for conversion is an exact multiple of Rs, 700, the tenderer will receive, in exchange, 3½ per cent. Notes for six-sevenths of such face value.

(2) If the face value of the 3 per cent. Notes tendered for conversion does not form an exact multiple of Rs. 700, the tenderer has the option of receiving—

(a) 3½ per cent. Notes equivalent to the nearest lower multiple of Rs. 700 calculated as in clause (1), together with the difference in 3 per cent. Notes; or

(b) 3½ per cent. Notes of the nearest higher equivalent face value in hundreds calculated as in clause (1), on payment in cash of the difference between (i) six-sevenths of the face value of the 3 per cent. Notes tendered, and (ii) the face value of the 3½ per cent. Notes received in exchange.

(*Example.*—A tenderer for conversion may, at his option, receive in exchange for a 3 per cent. Note for Rs. 1,000, either (a) 3½ per cent. Notes for Rs. 600, together with 3 per cent. Notes for Rs. 300; or (b) 3½ per cent. Notes for Rs. 900 on his making a cash payment of Rs. 42-13-9.)

(3) Interest on all 3 per cent. Notes tendered for conversion, which has accrued up to the end of the preceding half-year and has not been already drawn, will be paid in cash at the time of conversion; and the new 3½ or 3 per cent. Notes will bear interest from the beginning of the half-year current at the time of conversion.

(4) Notes may be tendered for conversion at the Public Debt Office, Bank of Bengal, Calcutta, or at any other Presidency Bank or at any Treasury to which they are for the time being enfaced for payment of interest. Notes so tendered must bear either of the following endorsements duly signed:—

(a) "Received in lieu of this Note, 3½ per cent. Notes for and 3 per cent. Notes for under Notification No. 6201-A., dated 3rd November 1908," or

(b) "Received in lieu of this Note and of a cash payment of Rs. , 3½ per cent. Notes for under Notification No. 6201-A., dated 3rd November 1908."

2. The Governor-General in Council reserves the right to withdraw the offer at any time on giving six months' notice.

3. A corresponding notice is being issued by the Secretary of State in England.

W. MAXWELL,

Secretary to the Government of India.

Punjab Government Press, Lahore—6-11-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 13, 1908.

PART I.

Republications from the "Gazette of India."

FROM THE GAZETTE OF INDIA, DATED OCTOBER 31, 1908.

HOME DEPARTMENT.

NOTIFICATION.

EXAMINATIONS.

Simla, the 30th October, 1908.

No. 466.—With reference to rules 4 and 9 of the rules published with the Home Department notification No. 529, dated the 8th September 1899, and to rules 2 and 6 published with the Resolution of the Government of Bengal, No. 364-T.F., dated the 10th October 1894, it is hereby notified that the examination prescribed for filling up vacancies in the lower division of the secretariat clerical service of the Government of India and attached offices and in the clerical establishments of the offices subordinate to the Government of Bengal will be held at Calcutta in the Senate House of the Calcutta University, commencing on Saturday, the 9th January 1909. It is also notified that no examination will be held in the year 1910.

The examinations at Allahabad and Lahore will be held at the same time at the places to be appointed by the Governments of the United Provinces and the Punjab, respectively. The hours of examination at Calcutta will be from 10 A.M. to 1 P.M. and from 1-30 P.M. to 4-30 P.M. daily.

The probable number of vacancise in the lower division of the secretariat clerical service of the Government of India and attached offices to be competed for is four. Of these, two will be reserved for candidates domiciled in the United Provinces, the Punjab, the Central Provinces, Rajputana, Central India, and Baluchistan, provided that a sufficient number of such candidates duly qualified appear for the examinations to be held at Allahabad and Lahore. The remaining vacancies will be offered for competition among the candidates examined at Calcutta and such candidates temporarily resident, but not domiciled, in any of the provinces enumerated above, as may be permitted to present themselves for examination at Allahabad and Lahore.

The probable number of vacancies in the offices subordinate to the Government of Bengal is seven. Of these two have been reserved by the Local Government for the special service of domiciled Europeans and Eurasians.

Candidates should pay the prescribed fee (Rs. 10) into the nearest treasury and forward the treasury receipt to the Secretary to the Board of Examiners, Calcutta. Candidates paying their fees in Calcutta should pay them into the Bank of Bengal.

Application for permission to appear at the examination should be made to the Secretary to the Board of Examiners, Calcutta, between the date of this notification and the 15th December next (inclusive).

The attention of intending candidates is called to rule 8 of the rules* published with the Home Department notification of the 8th September 1899 and to rule 5 of the rules published with the Resolution of the Government of Bengal of the 10th October 1894, as amended by notification No. 877-T.F., dated the 17th October 1896, prescribing the particulars and documents† which should accompany the application for permission to appear at the examination.

**Particulars and documents prescribed in rule 8 of the rules published with the Home Department notification of 8th September 1899—*

(1) Evidence that the candidate at the date of making his application is not less than 18 and not more than 24 years of age. The date of the candidate's birth must be stated.

(2) In case the candidate has been educated at a school in which students' good conduct registers are kept, the candidate's register for the last year of his attendance at school when a year has not elapsed since he left school. In other cases, a certificate that the candidate is of good moral character from the head of the institution in which he has last been educated or from some respectable householder to whom he is well known in private life, and who is himself known to a district or sub-divisional magistrate or to the head of some Government office,—this last fact being certified by the countersignature of the officer in question.

(3) If the candidate is employed under Government, a certificate by the head of the office or department to the effect that in his opinion there is no objection to the candidate appearing at the ensuing clerkship examination.

(4) A statement whether the candidate has appeared at any previous clerkship examination, and, if so, in what year.

†Particulars and documents prescribed in rule 5 of the rules published with the Resolution of the Bengal Government of the 10th October 1894, as amended by notification No. 877-T.F., dated the 17th October 1896—

(1) The candidate's certificate of the Entrance or any higher University examination, or of Standard VII prescribed by the Code for European Schools.

(2) Evidence that the candidate at the date of making his application is not less than 18 and not more than 24 years of age. The date of the candidate's birth must be stated.

(3) In case the candidate has been educated at a school in which students' good conduct registers are kept, and in case a year has not elapsed since he left school, a copy of the candidate's register for the last year of his attendance at school certified by the head master. In other cases a certificate that the candidate is of good moral character from the head of the institution in which he has last been educated, or from some respectable householder to whom he is well known in private life, and who is himself known to a district or sub-divisional magistrate or to the head of some Government office,—this last fact being certified by the countersignature of the officer in question.

H. A. STUART,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

FORESTS.

Simla, the 28th October, 1908.

No. 1182—232-4-F.—On return from leave granted in this Department's notifications No. 121-F.—427-4, dated 24th January 1908, and No. 730-F.—232-2, dated 16th June 1908, Mr. R. S. Troup, Deputy Conservator of Forests, resumed charge of the office of the Imperial Forest Economist at the Imperial Forest Research Institute and College, Dehra Dun, from Mr. A. J. Gibson, Deputy Conservator of Forests, on the 19th October 1908 (forenoon).

From the same date Mr. Gibson reverted to his substantive appointment of Deputy Conservator of Forests, Punjab.

R. W. CARLYLE,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Simla, the 29th October, 1908.

No. 175.—The Governor-General in Council is pleased to order the following promotions to and in the classes of Chief and Superintending Engineers of the Public Works Department, with effect from the dates specified :

Name.	From	To	With effect from
			1908.
Gordon, W. B., C.I.E. ...	Superintending Engineer, 1st Class, and Officiating Chief Engineer.	Chief Engineer, 2nd Class ...	9th April.
• • •	• • •	• • •	• •

L. M. JACOB,

Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATIONS.

ACCOUNTS, ETC.

LOANS, ETC.

Simla, the 30th October, 1908.

No. 6215-*A*.—In exercise of the powers conferred by sections 5 and 7 of the Local Authorities Loan Act (XI of 1879), the Governor-General in Council is pleased to direct that the following amendments shall be made in the Rules published with the notification of the Government of India in the Finance Department, No. 6566-A., dated the 24th October 1907.

For Rules 5 and 10 the following shall be substituted, namely—

"Rule 5. The Governor-General in Council shall determine, in each case, the period within which the loan shall be repaid, except as provided in the proviso to rule 10".

"Rule 10. After the expiry of one month from such publication and after calling for any further information which it may require, and considering any objections which may be preferred, the Local Government may either reject the application or refer it for the orders of the Governor-General in Council ; provided that, if the loan is for an amount not exceeding 5 lakhs of rupees, and is to be repaid within a period not exceeding thirty years, the Local Government may sanction the loan without reference to the Government of India".

In line 4 of Rule 11, for the words "If the loan" the words "If such a loan" shall be substituted.

In line 3 of Rule 14, for the words "the Government of India" the words "the authority sanctioning the loan" shall be substituted.

ACCOUNTS AND FINANCE.

LOANS.

No. 6181-A.

The 29th October, 1908.

RESOLUTION—By the Government of India, Finance Department.

IN Finance and Commerce Department Resolution No. 4119-A., dated 9th July 1903, the conditions on which local authorities would be allowed to raise sterling loans in the open market were laid down. It was explained in particular that the sanction of the

Secretary of State is required to all borrowing in sterling. The Governor-General in Council now gives notice that the date on which a local authority proposes to float a sterling loan must also be reported for the previous approval of the Secretary of State.

2. His Excellency in Council takes this opportunity of impressing on Local Bodies who desire to apply for sterling loans, and on the Local Governments who have to forward the applications, the necessity of conducting such transactions with all possible despatch, in order to ensure that the loans are placed on the market to the best advantage. In a recent instance a sterling loan was raised on terms which were needlessly unfavourable, partly because the original understanding with the promoters was not sufficiently clear, but mainly on account of great delay in putting the proposals before the Government of India. It is essential to the success of this class of borrowing that the negotiations should be perfectly definite on all important points, and that the local authority should take the Government of India, through the Local Government, into its confidence on the earliest possible occasion.

ORDERED that this Resolution be published in the *Gazette of India* for general information.

W. MAXWELL,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

GEOLOGY AND MINERALS.

Simla, the 23rd October, 1908.

No. 9709—131.—In exercise of the power conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), the Governor-General in Council is pleased to direct that for the Provisos to rules 32 and 33 of the rules regarding Mine Managers' certificates published with notification No. 2968-82, dated the 21st April 1906, the following shall be substituted, namely :—

Proviso to Rule 32.—Provided that this period shall be reduced to four years, and may, if the Board of Examiners think fit, be further reduced to three years, in the case of a candidate who has received a diploma in scientific and mining training after a course of study of at least two years at an educational institutions approved in this behalf by the Governor-General in Council, or who has taken a degree in scientific and mining subjects at a University approved in this behalf by the Governor-General in Council.

Proviso to Rule 33.—Provided that this period shall be reduced to two years, and may, if the Board of Examiners think fit, be further reduced to one year, in the case of a candidate who has received a diploma in scientific and mining training after a course of study of at least two years at an educational institution approved in this behalf by the Governor-General in Council, or who has taken a degree in scientific and mining subjects at a University approved in this behalf by the Governor-General in Council.

TELEGRAPHS.

No. 9870—9908—92.

The 28th October, 1908.

RESOLUTION—By the Government of India, Department of Commerce and Industry.

THE Government of India have had under their consideration the question of the rates at which inland telegrams are at present transmitted in India. The existing system, which involves a triple classification of messages, is now of long standing, and it originated in conditions which have passed away. The Urgent class was originally devised for the benefit of persons for whom the Ordinary was not fast enough, and the Deferred class was a concession to those who could not afford the cost of an Ordinary telegram, while they were content with a rate of speed which exceeded that of a letter. At first, indeed Deferred messages were delivered by post.

2. This triple classification is inconvenient and cumbrous, and it has now become obsolete. When three classes of messages have to be dealt with, the procedure in signal offices becomes complicated, extra work is caused and traffic is delayed. The leisurely methods, which once passed muster, can no longer be expected to satisfy the reasonable demands of the public, and, although the lowest class of messages still bears the designation of Deferred, the Telegraph Department fully recognizes its responsibility to accelerate their disposal as much as possible. Meanwhile the Ordinary class has been dropping out of public favour. In 1903-04, the Ordinary private messages numbered 1,188,612 and constituted 21·44 per cent. of the total ; in 1907-08 they numbered 1,089,202 and were only 10·40 per cent. of the total. At the same time the proportion of Urgent messages rose from 4·86 per cent. to 5·36 per cent and the proportion of Deferred messages rose from 73·70 per cent. to 84·24 per cent.

3. It has for some time been obvious that a change could not long be postponed, but the matter has now become urgent. Strenuous efforts are being made to accelerate the service, and to get rid of every element in the system which causes delay. One result of the acceleration which is taking place is that every day more messages are tending to fall into the Deferred class, and unless some change is made, it may be expected that the Ordinary class will practically disappear before very long, while the Urgent class also will tend to decrease. This is a matter which Government cannot afford to ignore, for the financial results of the process must be most serious. Calculations which have recently been made, have shown clearly that every four-anna telegram sent involves a heavy loss to the Department, and there is no hope that, even if the most rigorous economy is insisted on, this loss can ever be made good. As traffic grows, indeed, the loss must become heavier from year to year. In these circumstances, the matter is one which calls for very early consideration and decision.

4. Whatever new rates for inland messages may finally be prescribed, it is desirable that one feature of the existing system should be rectified. At present the charge for each word in excess of the unit number is double (in the Deferred class more than double) the charge for each word within the unit. The effect of this has been that there is a growing tendency to split up long massages into several short ones, and this practice is, it is understood, freely resorted to by commercial firms. Thus, for example, if the message contains 64 words in the text and three in the address, the charge for it is as follows :—

Urgent.	Ordinary.	Deferred.
Rs. A. P.	Rs. A. P.	Rs. A. P.
14 12 0	7 6 0	3 13 0

But if it be split up into five Urgent or Ordinary, or nine Deferred, messages the charge for it is only : —

Urgent.	Ordinary.	Deferred.
Rs. A. P.	Rs. A. P.	Rs. A. P.
10 0 0	5 0 0	2 5 0.

But while the sender has saved his pocket, the Telegraph Department has had to signal four or eight extra addresses, and has had to repeat the official preamable four or eight times, five or nine messages have to be booked instead of one, and five or nine messages have to be separately enclosed in envelopes, addressed, and sent out for delivery. It is obvious how unprofitable this is to the Department. A system which discourages extra words in messages is indeed contrary to its true interests, for it is the long messages which are remunerative.

5. In Great Britain there is only one class of telegram, and this no doubt is the ideal system which may possibly come into force in India at some future date. But the Government of India do not think that matters are yet ripe for so great a change, and they believe that the public value the privilege of being able to obtain priority on the wires by paying higher rates. They therefore consider that there should in future be two classes of messages :—

(*a*) An *Ordinary* class, which will include the bulk of the messages.

(*b*) An *Express* class, which will be used when it is desired to secure greater urgency.

6. In determining the rates which should be charged in each class several alternatives have been considered including recommendations made by the Telegraph Committee on the subject. The Government of India fully recognize that in a country like India telegrams must be made as cheap as possible, if they are to be placed within the reach of more than a fraction of the native community. The enormous expansion of traffic which has followed the introduction of the four annas rate—Deferred messages have increased from 4,084,664 in 1903-04 to 8,823,339 in 1907-08—makes it certain that the four-anna telegram has been greatly appreciated and has been a real boon to the public. It is therefore with great reluctance that the Government of India have yielded to the conviction that the four-anna message must be abandoned. But the actual results of more than four years working leave no room for doubt that the four-anna telegram fails to pay its way, and in the opinion of the most competent judges the loss must be heavy and increasing. In these circumstances it is felt that the general taxpayer cannot in justice be called on to pay a large subsidy each year for the maintenance of the telegraph system, especially when it is remembered that the senders of telegrams do not constitute more than three or four per cent. of the total population of India.

7. The Government of India propose that the unit number of words in the *Ordinary* class should be twelve, including the address, that the charge for a telegram of twelve words or less should be six annas, and that the charge for each additional word above the unit should be half an anna. If these rates are compared with the rates at present charged for Deferred messages it will be found that, while the charge for eleven words or less will be increased, the charge for twelve words will be the same as at present, and the charge for thirteen words or more will be reduced. It is hoped that the reduction of the charge for long messages, accompanied by a decided acceleration in the service, will go far to compensate for the raising of the initial rate.

8. In the *Express* class, as in the Ordinary class, it is proposed that the unit number of words should be twelve including the address. The charge for twelve words or less will be one rupee, and the charge for each additional word above the unit will be two annas. If these, rates are introduced, the charge for each word in excess of the unit will still be greater than the charge for each word within the unit, and the splitting up of telegrams will therefore still be possible. But the Government of India believe that the saving which senders will be able to effect by this practice will be so small, that it will not be resorted to to any great extent. They have considered carefully whether the initial charge might not be fixed at Rs. 1-8-0, but they think it is undesirable that the cost of an Express telegram should so greatly exceed the cost of an Ordinary telegram.

9. The Government of India, before deciding finally as to the changes in the rates, desire that the public, who will be affected by the change, should have an opportunity of expressing their opinion. The proposals enumerated in this Resolution will be finally considered after the end of November, and the Government of India will be glad to receive before that date any representation on the subject which Local Governments, public bodies, or private persons may desire to make.

Order.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations, to all Chambers of Commerce and Trades Associations and to all Departments of the Government of India.

Ordered, also, that a copy be published in the *Gazette of India.*

B. ROBERTSON,
Secretary to the Government of India.

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 7, 1908.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 6th November, 1908.

No. 20.—The services of Mr. H. P. Tollinton, of the Indian Civil Service, are replaced at the disposal of the Home Department, with effect from the afternoon of the 14th instant.

J. M. MACPHERSON,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 2nd November 1908.

No. 2510.—The following gracious Message addressed by His Majesty the King Emperor to the Princes and Peoples of India has this day been announced by His Excellency the Viceroy in Durbar at Jodhpur, and is published for general information.

By order,

H. A. STUART,

Secretary to the Government of India.

His Majesty the King Emperor's Message to the Princes and Peoples of India.

1. It is now fifty years since Queen Victoria, my Beloved Mother, and my August Predecessor on the Throne of these Realms, for divers weighty reasons, with the advice and consent of Parliament, took upon herself the government of the territories theretofore administered by the East India Company. I deem this a fitting anniversary on which to greet the Princes and Peoples of India, in commemoration of the exalted task then solemnly undertaken. Half a century is but a brief span in your long annals, yet this half century that ends today will stand amid the floods of your historic ages, a far-shining landmark. The Proclamation of the direct supremacy of the Crown sealed the unity of Indian government and opened a new era. The journey was arduous, and the advance may have sometimes seemed slow; but the incorporation of many strangely diversified communities, and of some three hundred millions of the human race, under British guidance and control has proceeded steadfastly and without pause. We survey our labours of the past half century with clear gaze and good conscience.

2. Difficulties such as attend all human rule in every age and place, have risen up from day to day. They have been faced by the servants of the British Crown with toil and courage and patience, with deep counsel and a resolution that has never faltered nor shaken. If errors have occurred, the Agents of my Government have spared no pains and no self-sacrifice to correct them: if abuses have been proved, vigorous hands have laboured to apply a remedy.

3. No secret of empire can avert the scourge of drought and plague, but experienced administrators have done all that skill and devotion are capable of doing, to mitigate those dire calamities of nature. For a longer period than was ever known in your land before, you have escaped the dire calamities of war within your borders. Internal peace has been unbroken.

4. In the great Charter of 1858, Queen Victoria gave you noble assurance of her earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer the Government for the benefit of all resident therein. The schemes that have been diligently framed and executed for promoting your material convenience and advance—schemes unsurpassed in their magnitude and their boldness—bear witness before the world to the zeal with which that benignant promise has been fulfilled.

5. The rights and privileges of the Feudatory Princes and Ruling Chiefs have been respected, preserved, and guarded; and the loyalty of their allegiance has been unswerving. No man among my subjects has been favoured, molested, or disquieted, by reason of his religious belief or worship. All men have enjoyed protection of the law. The law itself has been administered without disrespect to creed or caste, or to usages and ideas rooted in your civilization; it has been simplified in form, and its machinery adjusted to the requirements of ancient communities slowly entering a new world.

6. The charge confided to my Government concerns the destinies of countless multitudes of men now and for ages to come; and it is a paramount duty to repress with a stern arm guilty conspiracies that have no just cause and no serious aim. These conspiracies I know to be abhorrent to the loyal and faithful character of the vast hosts of my Indian subjects, and I will not suffer them to turn me aside from my task of building up the fabric of security and order.

7. Unwilling that this historic anniversary should pass without some signal mark of royal clemency and grace, I have directed that, as was ordered on the memorable occasion of the Coronation Durbar in 1903, the sentences of persons, whom our Courts have duly punished for offences against the law, should be remitted, or in various degrees reduced; and it is my wish that such wrongdoers may remain mindful of this act of mercy, and may conduct themselves without offence henceforth.

8. Steps are being continuously taken towards obliterating distinctions of race as the test for access to posts of public authority and power. In this path I confidently expect and intend the progress henceforward to be steadfast and sure, as education spreads experience ripens, and the lessons of responsibility are well learned by the keen intelligence and apt capabilities of India.

9. From the first, the principle of representative institutions began to be gradually introduced, and the time has come when, in the judgment of my Viceroy and Governor-General and others of my counsellors, that principle may be prudently extended. Important classes among you, representing ideas that have been fostered and encouraged by British rule, claim equality of citizenship, and greater share in legislation and government. The politic satisfaction of such a claim will strengthen, not impair, existing authority and power. Administration will be all the more efficient if the officers who conduct it have greater opportunities of regular contact with those whom it affects, and with those who influence and reflect common opinion about it. I will not speak of the measures that are now being diligently framed for these objects. They will speedily be made known to you, and will, I am very confident, mark a notable stage in the beneficent progress of your affairs.

10. I recognise the valour and fidelity of my Indian troops, and at the New Year I have ordered that opportunity should be taken to show in substantial form this, my high appreciation, of their martial instincts, their splendid discipline, and their faithful readiness of service.

11. The welfare of India was one of the objects dearest to the heart of Queen Victoria. By me, ever since my visit in 1875, the interests of India, its Princes and Peoples, have been watched with an affectionate solicitude that time cannot weaken. My dear son, the Prince of Wales, and the Princess of Wales, returned from their sojourn among you with warm attachment to your land, and true and earnest interest in its well-being and content. These sincere feelings of active sympathy and hope for India on the part of my Royal House and line, only represent, and they do most truly represent, the deep and united will and purpose of the people of this Kingdom.

12. May Divine protection and favour strengthen the wisdom and mutual goodwill that are needed for the achievement of a task as glorious as was ever committed to rulers and subjects in any State or Empire of recorded time.

The 6th November 1908.

No. 2520.—In supersession of the Home Department notification No. 2104, dated the 30th September 1904, and in exercise of the powers conferred by sub-section (1), clause (*c*), and sub-section (2), of section 25 of the Co-operative Credit Societies Act, 1904 (X of 1904), the Governor-General in Council is pleased to remit all fees payable under the law of registration for the time being in force, in respect of instruments executed by or on behalf of any Co-operative Credit Society for the time being registered under that Act, or by an officer or member of such a society and relating to the business thereof.

Provided that the Local Government may at any time withdraw such exemption in the case of any society.

MEDICAL.

The 5th November 1908.

No. 1195.—Captain H. M. Mackenzie, M.B., I.M.S., is appointed, as a temporary measure, to be professor of pathology at the Lahore Medical College.

JAILS.

No. 260.

The 6th November 1908.

RESOLUTION—By the Government of India, Home Department.

His Majesty the King, Emperor of India, having directed in his gracious message to the Princes and Peoples of India on the occasion of the 50th Anniversary of the assumption of the Government of India by the Crown, that as a mark of His Royal clemency and grace, the sentences of persons punished by the courts for offences against the law shall be remitted or in various degrees reduced, the Governor-General in Council, in pursuance of His Majesty's Commands, directed that, subject to the exceptions specified, remission of sentences should be granted to prisoners in accordance with the following scale:

First.—All persons under sentence for one month or less who had completed half their sentence on or before 2nd November 1908 to be released absolutely on that date. Those of this class who had not completed half their sentence to be granted remission of half their sentence.

Second.—Prisoners sentenced to more than one month and not more than six months to be granted remission of fifteen days.

Third.—Prisoners sentenced to more than six months and not more than a year to be granted remission of one month.

Fourth.—Prisoners sentenced to more than a year to be granted remission of one month for each year of sentence.

2. The above concessions were not extended to the following classes of prisoners:—

First.—Prisoners whose conduct during imprisonment has been bad and turbulent.

Second.—Prisoners who have been more than twice convicted.

Third.—Prisoners whose premature release may be deemed by the local authorities to be seriously inexpedient for reasons of local importance.

Fourth.—Prisoners under life sentences whose crimes are excepted from recommendation for release after twenty years imprisonment at Port Blair under paragraph 8 of Home Department Resolution Nos. 266-269, dated 29th July 1874: namely, those whose offences are of such a kind as to make them permanently dangerous to society or to public order whenever they may be restored to liberty, and also those whose crimes were committed in such circumstances that their release is likely to give rise to a renewal of blood feuds or other disturbances of the public peace.

3. These concessions have also been extended to all military prisoners, British and Native, confined in civil custody.

4. By order of the Governor-General in Council instructions to the above effect were sent to all Local Governments and Administrations and all prisoners in civil custody whose sentences as thus reduced expired on the 2nd November 1908 were released on that date. A copy of these instructions was communicated to the military authorities for such action as was deemed to be desirable in the case of military prisoners in military custody.

H. A. STUART,
Secretary to the Government of India.

FINANCE DEPARTMENT.

NOTIFICATION.

ACCOUNTS AND FINANCE.

PUBLIC DEBT.

No. 6201-A.

Simla, the 3rd November, 1908.

(In the following Notification " Notes " means " Promissory Notes of the Government of India, " and includes " Stock certificates issued in lieu thereof.")

Notice is hereby given that with effect from the 19th November 1908 the Governor-General in Council is prepared to give Notes of the $3\frac{1}{2}$ per cent. loan of 1900-01 in

exchange for Notes of the 3 per cent. loan of 1896-97, on the following terms :—

(1) If the face value of the 3 per cent. Notes tendered for conversion is an exact multiple of Rs. 700, the tenderer will receive, in exchange, 3½ per cent. Notes for six-sevenths of such face value.

(2) If the face value of the 3 per cent. Notes tendered for conversion does not form an exact multiple of Rs. 700, the tenderer has the option of receiving—

(a) 3½ per cent. Notes equivalent to the nearest lower multiple of Rs. 700 calculated as in clause (1), together with the difference in 3 per cent. Notes ; or

(b) 3½ per cent. Notes of the nearest higher equivalent face value in hundreds calculated as in clause (1), on payment in cash of the difference between (i) six-sevenths of the face value of the 3 per cent. Notes tendered, and (ii) the face value of the 3½ per cent. Notes received in exchange.

[*Example.*—A tenderer for conversion may, at his option, receive in exchange for a 3 per cent. Note for Rs. 1,000, either (a) 3½ per cent. Notes for Rs. 600, together with 3 per cent. Notes for Rs. 300 : or (b) 3½ per cent. Notes for Rs. 900 on his making a cash payment of Rs. 42-13-9.]

(3) Interest on all 3 per cent. Notes tendered for conversion, which has accrued up to the end of the preceding half-year and has not been already drawn, will be paid in cash at the time of conversion ; and the new 3½ or 3 per cent. Notes will bear interest from the beginning of the half-year current at the time of conversion.

(4) Notes may be tendered for conversion at the Public Debt Office, Bank of Bengal, Calcutta, or at any other Presidency Bank or at any Treasury to which they are for the time being enfaced for payment of interest. Notes so tendered must bear either of the following endorsements duly signed :—

(a) " Received in lieu of this Note, 3½ per cent. Notes for............ and 3 per cent. Notes for...... under Notification No. 6201-A., dated 3rd November 1908, " or

(b) " Received in lieu of this Note and of cash payment of Rs......., 3½ per cent. Notes for.........under Notification No. 6201-A., dated 3rd November, 1908."

2. The Governor-General in Council reserves the right to withdraw the offer at any time on giving six months' notice.

3. A corresponding notice is being issued by the Secretary of State in England.

W. MAXWELL,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

TELEGRAPHS.

Simla, the 3rd November, 1908.

No. 10087—227.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor-General in Council is pleased to direct that, with effect from the 1st of December 1908, the following alterations shal[illegible] in the rules published with the Notification of the Government of India in the Public Works Department, No. 298 (Telegraphs), dated the 22nd of September 1904, as subsequently amended, namely :

For clause 8 of Rule 129 the following shall be substituted :

(8) Long news messages should be broken up into pages of about 75 words each. All the pages must be numbered consecutively and each of them, except the last, should conclude with the words "*More to follow*" (or MTF). The last page should conclude with the words "*End of message*". These words and numbers are not charged for. The

name of the Sender should be written at the top of each page, and the last word of each page should be repeated at the top of the next page. The interval between the handing in of the different pages should not exceed an hour. When this interval is exceeded, the pages handed in late will be treated as a fresh message and charged accordingly. In telegrams addressed to more than one Newspaper, the full list of addresses need only be furnished with the first page, and each of the consecutively numbered pages will be considered to be addressed to all the Newspapers.

Note.—Attention is specially directed to the necessity of writing as legibly as possible, and it is recommended that, whenever practicable, the copy should be written in ink, and not in pencil.

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Simla, the 6th November, 1908.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 890.—The services of Major W. G. Hodgson, I.A., Cantonment Magistrates' Department, are pleased at the disposal of the Government of the Punjab, for employment as a Cantonment Magistrate.

A. W. L. BAYLY,

Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE GAZETTE OF INDIA, NOVEMBER 7, 1908.

No. 10062—10082—13.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE AND INDUSTRY

COMMERCIAL EXHIBITIONS.

RESOLUTION.

The 3rd November 1908.

The following papers relative to the exhibition which will be held at Turin in the year 1911 are published for general information.

TURIN INTERNATIONAL EXHIBITION. OF INDUSTRIES AND LABOUR.

APRIL—OCTOBER 1911.

General Regulations.

Duration of the Exhibition, April—October 1911.

The Exhibition of Industries and Labour which will take place on the occasion of the Fiftieth Anniversary of the Proclamation of the Kingdom of Italy, in conformity with the Statute approved by a Royal Decree dated May 28th, 1907, will be opened in Turin in the month of April and closed in October 1911. Dates and formalities to be established by the General Committee which may, if necessary, postpone the date of definitive closure.

Foreigners and all Industrial and Commercial Firms of all Nations are cordially invited to participate. Thus the Exhibition will result thoroughly International.

General and Executive Committees.

2. The organization and management of the Turin International Exhibition (with the exception of the particular powers of the the General Committee) will depend from the Executive Committee, assisted by other special Committees elected by the Executive, and which will be composed of persons who, by their experience and authority, are able to afford the Executive useful and efficacious assistance in its work.

General Planning of Exhibition.

3. Whilst Rome reserves to herself the privilege of holding a Grand International Exhibition of Arts and Archæology, the City of Turin will Exhibit in specially erected buildings the products of Agricultural and Industrial Labour (the due classification and distribution in their respective departments to be finally arranged later on) and in general everything connected with economic and civil life in relation to—

(*a*) The Protection and Assistance of Children—Their Education and Training — Schools, Practical Factories and Laboratories — Outdoor and indoor Sports;

(*b*) Instruments, Apparatuses and general Processes for scientific productions — Printing—Photography—Book Printing and Binding — Geographical and Cosmographic Maps and Instruments — Instruments of precision — Meteorology;

(*c*) General Mechanics — Engines, Hydraulic Machines — Steam and Explosion Motors —Gears — Instruments and Tool-machines for Working Wood, Iron, etc.;

(*d*) Electricity — Electrotechnics — Electro-chemistry — Telegraphy — Telephony;

(*e*) Conveyances — Ordinary Roads — Railroads — Overhead electric cable Locomotion — Marine and fluvial Navigation — Aerial Navigation — Postal Service — Bridges and Streets — Tunnels, Canals, Harbours, etc.;

(*f*) Sporting Industries and Sports;

(*g*) The modern City: Dwellings—Public and Private Buildings—Popular Dwellings—Schools — Hospitals — Theatres, ect. — Hygiene of Dwellings — Furniture and Decorations—Musical Instruments;

(*h*) Foods—Alimentary Industries — Farinaceous Products — Breadmaking — Dairy Products—Preserves—Confectionery Products—Oils — Wines — Beers—Liquors;

(*i*) Forest Laws—Woods—Hunting and Fishing;

(*l*) Agriculture and Agricultural Machines;

(*m*) Extractive and Chemical Industries — Mining;

(*n*) Textile and Tailoring Industries — Leather — Goldsmiths' Wares, Timepieces — India rubber Goods — Brushes, etc.;

(*o*) The Newspaper and the Art of Printing — Papermaking — Graphic Arts — Typography — Lithography — Photography, Telegraphy, Wireless Telegraphy, Telephony as auxiliaries for the production of Newspapers — Special Exhibition of Calendars, Advertisements and Caricatures.

(*p*) Social Economy — Benevolent Institutions — Co-operative Associations for credit, production and consumption — Industrial and Workmen's Association;

(*q*) Home and foreign colonial Organization — The work and productions of Italians abroad — Export Products;

(*r*) National Defence — Land and Sea Weapons—Chartography — Hydrography — Hospitals — Red Cross — Sanitary and hygienic Materials.

Programme Committees.

4. The Executive Committee will appoint special Committees which will attend to the organization and classification of the articles to be exhibited, thus forming the general Programme of the Exhibition. The above Committees will occupy themselves

with the study and proposals concerning the various exhibits grouped according to their uniformity of origin or of destination. These proposa's will be submitted for approval to the Executive Committee. Each Committee, duly completed, will be afterwards reconstituted in an organizing Committee.

Temporary Shows and Competitions.

5. There will also be held temporary Exhibitions and Competitions for: Zootechnics, Culture of vegetables and flowers and other cultivations, as well as for alimentary substances which, cannot be preserved long: Special Exhibitions for Anthropology and Ethnography: Competitions with awards for agricultural engines and machines for aerial Navigation for new applications of electric Energy. Finally a great Competition between the Italian towns will be held for the purpose of demonstrating the progress made from 1861 upwards in the hygienical conditions of dwellings, in the development of their systems and plans as well as in municipal organizations in its various departments.

There will also be Congresses Lectures and grand popular Entertainments.

Local and District Committees in Italy and abroad.

6. Chambers of Commerce, Agrarian Committees and Societies will be invited by the Executive to appoint Committees in their respective localities from among representives of the Municipality and such citizens as are considered most to the purpose:

(*a*) of promoting meetings of Exhibitors; of diffusing in their district the details of the conditions of the exhibition, of distributing forms, of dealing with the enquiries of the exhibitors, of helping and directing them in the choice of exhibits;

(*b*) Of deciding about the quality and quantity of the articles to be submitted to the approval of the Executive Committee for admission, taking care to avoid any superfluity of products of the same kind, and to provide for their being duly and suitably represented in all their varieties; also to see that the prescriptions of the regulations and the directions of the Executive Committee are complied with;

(*c*) of transmitting, at least every fortnight, to the Executive the applications for admission together with a list of the same, in confirmity with form E, and with the information collected and opinions given by the local Committee as to the qualities of the products, and the qualifications of the Exhibitor. Applications must reach the Executive Committee not later than June 30th, 1910;

(*d*) Of communicating to the Exhibitors the decisions of the Executive Committee in regard to the applications for admission, the distribution of space, the serial number, the class to which their products belong, the rules and regulations and all other information that may be of interest, to facilitate the transport of the exhibits and the control of the bills of lading;

(*e*) of taking care that the articles be exhibited in the true productor's name.

7. Special Committee and Representatives will also be appointed abroad for the same purpose, by the Chambers of Commerce or by the Consulor Agents or any other appropriate Institutions and Associations.

Other local Committees may be appointed in the most important localities of the Districts of the Chambers of Commerce, with the object of aiding the District Committees and of fulfilling such duties as may be entrusted to them by the Executive or by the District Committee.

Members of the local Committees may only be elected by the Executive, and the District Committee may nominate the persons most fit for such a charge.

8. It will further be the duty of the District and local Committees to complete the necessary arrangements for making known and appreciated the importance of each industry, whether carried on in manufactories or in the home, such as for instance collecting information on the special nature of the products, the wages of workmen, the exportation and consumption and all improvements and innovations introduced in the methods of manufacture.

This information must reach the Executive not later than January 1910.

EXHIBITORS.

Applications for admission.

9. All persons who desire to exhibit must forward to the local Committee the application for admission (Form A) in duplicate copy, duly filed in, with the required information together with all notices tending to illustrate their products and the relative industry. The said applications must be sent in before March 31st, 1910, and by his application the exhibitor engages himself to comply with the regulations and all rules that may be further established by the Executive.

Each separate application must relate only to such exhibits as appertain to the same class.

10. Italian as well as foreign Exhibitors will be admitted to the Exhibition Halls where they will occupy the spaces allotted them by the Executive in accordance with the classification of articles and in such a manner that each stand shall be, as far as possible disposed in conformity with the Programme.

Collective shows.

11. The Executive Committee is however empowered to grant under special conditions, to the more important exhibitors and especially those who exercise several industries or several branches of an individual industry, and who may desire to give the visitors an idea of the extent of their entire output, the faculty to exhibit the whole of their products in separate kiosks. Of course the judgment on such products will take place in competition with the exhibits of the same class.

Special Kiosks.

12, Should the Executive grant some Firm or group of productors of the same kind the faculty of exhibiting their products in a particular kiosk, the application for any such separate building must reach the Executive not later than March 31st, 1910.

With the said applications it will be necessary to send a drawing representing the particular building, for the approval of the Committee; which building must be constructed and paid for by the exhibitor himself.

Requests of Motive Power, etc.

13. The Exhibitor who desires to send machines or other objects which will require special constructions, ground work or the use of water, gas, steam, or electric power to set the machines in motion, or to represent any operation of manufacture, must forward a special application not later than December 31st, 1909, giving all necessary information.

14. Producers are requested to state in their applications the prizes they have already obtained in other national or Foreign Exhibitions, and all other information asked for in the Form.

15. All communications between Exhibitors and the Executive Committee, prior to the opening of the Exhibition, must be made through the provincial Committee.

16. To the Executive Committee shall appertain the sole right of :

(*a*) Accepting definitely, complete or partial, the articles, and refusing those having no industrial value ;

(*b*) Granting the allotment to each exhibitor of the space within the precincts of the Exhibition. No complaint in this respect will be entertained.

The Executive Committee will assign to each exhibitor a serial number which must be mentioned in every action or complaint.

Admission Fee and Space Tax.

17. Every admitted exhibitor will have to pay an inscription fee of 20 Fcs. and a special tax in proportion to the surface they occupy (see the special Tariff annexed to this Regulation).

The whole inscription fee and a half of the proportional tax for each unit of surface must be sent in within 30 days from the date of the certificate of admission (Form B), and the other half before December 31st, 1910.

If, however, the total amount does not exceed 100 Fcs. the payment must be made in full.

The exhibitor who does not send in the balance within the prescribed term, cannot claim the reimbursement of the 1st payment which will go to the benefit of the Exhibition without intimation or resorting to legal proceedings.

Should the inscription fee not have been paid in full by the exhibitor within the time prescribed, he will lose his right to exhibit, and the Executive can dispose of his place after January 15th, 1911.

Carriage Expenses.

18. All expenses for transportation, delivery and expedition, packing, removal, storage of the chests and implements, as well as for the provision of duly prepared counters show-cases, platforms, etc., and for the care of the objects in the Exhibition, in conformity with the regulations set forth by the Executive, will be at the total charge of the exhibitors.

Counters and Show-cases.

To Exhibitors will be let on hire counters, show-cases, dressers, etc., if so requested in the application for admission.

Invoice directions.

19. Every article must be sent free of any charge to the Exhibition, and:

(*a*) In the least possible number of packages;

(*b*) With the indication of the number of packages forming the total invoice; if this is of a single package, it must be marked No. I, if of more than one, each of them must be marked visibly and clearly with a fraction, the denominator of which will be the total number of the packages, and the numerator the progressive number: for instance, if there be three packages, each must bear the sign, 1/3, 2/3, 3/3, respectively;

(*c*) Should many packages be sent in a single box, a special notice to that effect must be written on the address label;

(*d*) The address ought to be securely attached and written in conformity with Form D. The indication of the class, serial number of the exhibitor, and the said fraction must be written on three sides of the box.

Way-bills.

20. The Exhibitors must at the same time with the articles, fill up the bill of expedition (Form C) in triplicate copy, in which are to be enumerated the exhibits contained in each package, stating their weight, value and serial number. The exhibitors must moreover make known their address in Turin or that of their Agents, so that they can be sent for assistance at the operation of unpacking, delivery and placing, according to the directions of the Executive Committee. Failing such directions or in case of delay on the part of the exhibitor, the Executive will provide for the said operations at the exhibitor's expense, without assuming any responsibility.

Lists of Exhibits.

21. In each package or case the exhibitors must enclose a list of the objects contained therein.

The Exhibitor must also attach to each object a label bearing the serial number assigned to him by the Executive, and mentioned in the letter of admission.

22. One of the three copies of the *Bill of expedition* (Form C) must be forwarded by the exhibitor in a letter addressed to the Executive Committee, to be posted on the date of the expedition; a second copy must be delivered at the Railway Office together with the way-bill, and the third copy must be kept by the exhibitor for the withdrawal of the articles at the close of the Exhibition.

Delivery Terms.

23. Exhibits will be received from the 1st to the 31st March 1911; the Committee however retains the right of fixing other dates for goods of exceptional value and for such goods as are liable to become spoiled through being kept packed for any length of time.

Heavy or bulky goods, machines and such articles which will require special ground work or mountings, must be consigned before January 15th, 1911.

Exhibit Unpacking and placing.

24. Each Exhibitor or his Representative must assist at the unpacking and placing of the exhibits, following the instructions that the Gallery-Inspector may give in the name of the Executive or special Committees. Should any exhibitor fail to provide for the unpacking and placing of his products, the Committee will do it at the total charge of the exhibitor himself, without assuming any responsibility. This to be done without prejudicing in any way the dispositions of Article 25.

25. Should any exhibitor not have placed his products before March 31st, 1911, he will lose all right to exhibit and his certificate of admission will become void; both the inscription fee and space tax will go in favour of the Exhibition funds without any formality or legal proceedings. Moreover the Committee may order the uncompleted stand to be taken away at the exhibitor's expense.

Empty Packing.

26. The cases as soon as they are emptied must be removed by the Exhibitor or his Agent, failing which the Executive will have them stored at the expense and risk of the exhibitor, and without assuming any responsibility for the same.

All empty cases and packing materials that after one month from the close of the Exhibition have not been taken away will be considered as having been abandoned.

Customs and Transport Facilities.

27. For the advantage and convenience of exhibitors the Executive will:

(*1st*) Undertake the necessary formalities for obtaining the the temporary exemption from customs-duty on the importation of all exhibits as well as special tariffs for land and sea transport. Intending Exhibitors will be advised in due time of the special facilities thus obtained.

(*2nd*) Organize, by special contracts and pre-arranged tariffs, for the transport of exhibits from the Railway Stations at Turin to the Exhibition Reception Office and Galleries, unpacking and storage of cases, repacking and transport at the close of the Exhibition.

Sign-boards.

28. Articles must be exhibited with the names of the producers and inventors and an indication of their market price. All decorative objects, signplates, bills or publications which the exhibiting Firms may desire to use to illustrate their products within the space allotted to them, must first be submitted to the Executive Committee for approval (said approval to be given in writing).

The Executive Committee will take care to obtain a special Bill for the protection of the artistic and industrial property of the exhibits.

29. All machines will be placed in departments containing the class of products they are adapted for, and, when possible, set in motion before the public, so that visitors may easily view their manner of working and production.

Obnoxious Materials.

30. Explosives and all materials of a dangerous nature will be rigorously excluded from the Exhibition Galleries and Precincts.

All substances that are likely to excite chemical change in other products, such as alcoholic spirits, oils and caustic matter, and those which may be troublesome and tedious either to exhibitors or visitors will not be admitted unless they are hermetically sealed in solid vessels and bear the particular guarantee which will be required in each case by the Executive.

31. The Executive Committee reserves to itself the right of rejecting or having removed, at any moment, such products which on account of their imperfection are not judged worthy to be exhibited; also those which on account of their size or constitution, or for other reasons may be obnoxious or in opposition to general organization and decency; and those which are found to be of a different origin to that declared by the exhibitor.

Artistic and Industrial Property.

32. No work of art, and no product exhibited within the precincts of the Exhibition may be sketched, copied or reproduced in any way without a special authorization of the exhibitor, duly provided with permit of the Executive Committee.

The Executive reserves to itself the right of authorizing the reproduction of the buildings, and of the general exterior and interior views.

Fire Insurance.

33. The Executive Committee will insure against fire the buildings of its property; the exhibitors must provide on their part for the insurance of their products, stands and buildings; informing the Committee of the name of the Insurance Company and stating the insured value.

The Executive, whilst they will take all the measures necessary for the custody and preservation of the exhibits, do not assume any responsibility and it is understood that the exhibitors renounce in every case to make any claim whatever for casual damage which the exhibits may suffer, or for their loss or waste, or for any other reason.

Exhibits Sale.

34. Objects admitted to the Exhibition may not be removed until after its close, except in special cases for which it will be necessary to obtain a written authorization from the Committee. The sale of objects exhibited within the precincts of the Exhibition will be permitted, on the condition however that they are not removed before the close of the Exhibition. No invitation to purchase is allowed : it will be only permitted to hand visitors addresses and prospectuses when so requested.

35. Exhibitors or their representatives will have free admission to the Exhibition provided they have the special personal ticket supplied them by the Committee in conformity with particular rules which will be later on prescribed. The representative of more than one exhibitor will be entitled to one ticket only.

Exhibitors and Representative Legal Domicile.

36. The exhibitor in his Form of Application will elect a legal domicile in Turin and (failing this) it will be understood as being the same as that of the Executive Committee.

The exhibitor who has the intention of appointing a representative must make a written declaration to that effect, specifying in a full and clear manner the powers to be conferred on the same.

The representative of an exhibitor must elect a domicile in Turin to which all communications from the Executive Committee will be addressed.

The exhibitors or their representatives, by virtue of their duly signed applications, assume the obligation to conform to the rules contained in the present general Regulations and in the special bye-laws, for instance to present one's self at every request of the Executive Committee either for communications or explanations, and to conform to all dispositions which will be further established.

They must also be ready to grant any trials, information or request that may be demanded by the Juries.

Exhibit Withdrawal.

37. Within a fortnight after the close of the Exhibition, the exhibitors or their representatives, provided with a special written license of exportation which will be delivered to them by the Committee, after they have settled all their debts towards the Exhibition, must pack their goods and carry them away in conformity with the disposition of Article 18 and with the orders which will be further issued by the Committee. After the said term the Committee will have the operations carried out at the exhibitor's expense, without rendering itself liable for any damages or losses, not for inconveniencies arising with regard to customs-duty of charges for re-expedition.

After the lapse of another fortnight should the objects not have been removed, they may be sent to the exhibitor, to be paid for on delivery, or stored at the expense and risk of the exhibitor and without any responsibility resting with the Executive Committee.

Within three months from the date of the close of the Exhibition, the remaining objects will be considered as having been abandoned in favour of the Exhibition.

The exhibitors in particular kiosks or pavilions must clear away every thing and leave the ground in its original state, removing all materials left after the demolition within the term of three months after the closing of the Exhibition. Moreover the exhibitors will not be allowed to carry their articles away without first having given a sufficient guarantee that this duty shall be duly performed.

AWARDS AND JURY.

38. The exhibitors who are to be judged by the Jury as being worthy of high consideration for the quality, excellence and high merits of their products, will be awarded the following prizes:—

Grand Prize Diploma.
Honourable „
Gold Medal „
Silver „ „
Bronze „ „

39. A Special Regulation will provide for the manner in which the Jurymen are to be elected, their number, their nationality, the rules according to which the Jury will operate and the general procedure to be followed in their judging and decision.

ADMISSION FEE AND CHARGES FOR SPACES.

All exhibitors according to Article 17 of the General Regulations will have to pay a general Admission Fee of Lit. 20.

Charges for spaces are as follows :—

IN THE GALLERIES AND HALLS.

First square métre on ground or walls	Lit.	20
Per each métre over and above	„	15

Wall space contiguous to ground space will be free when equal to, or minor than this last. A larger wall space will pay in proportion to the occupied area.

UNDER THE PORTICOES AND OPEN GALLERIES.

Per square métre of occupied space	Lit.	10

For spaces accessible on two sides 30 per cent. increase.
„ „ three „ 60 „ „
„ free all around „ 100 „ „

Fees In the central passages the full rate for space will be increased by 50 per cent. The area is to be calculated after the lesser rectangle circumscribed. The fractions of square métre are reckoned as a whole.

OPEN GROUND INTENDED FOR EXHIBITS.

First square métre	Lit.	10
Per each métre over and above	„	5

Spaces intended to be built upon for special Kiosks and Pavilions, Bars, Restaurants, etc., will be let on special terms according to the case, by application to the Executive.

SUPPLY OF WATER, LIGHTING HEATING AND MOTIVE POWER.

The Executive will supply in the precincts of the Exhibition, subordinately to the place where requested for, Water, Lighting, Heating and Motive Power at the following rates :—

Water under pressure for industrial purposes	Lit.	0,30 per cubic métre.
Drinking water	„	0,40 „
Steam	„	0,30 per kilogram.
Lighting, Heating and Actioning Gas ...	„	0,25 per cubic métre.
Electric Current for Lighting ...	„	0,10 per Hectowatt-hour.
Do. for Motive Power ...	„	0,05 „

I. The main Plants for the Water, Steam, Gas and Electricity supply will be at the Executive's charge. Exhibitors must provide for the necessary junctions, pipes, gear and fittings.

II. Town and Government duties on the above supplies will be paid for by the Executive.

III. For Plants requiring a great amount of water, power, etc., a rebate on the present rates may be agreed upon, when handing the Application Form to the Executive.

GENERAL CLASSIFICATION.

GROUP I.—Education, and professional Teaching.
„ II.—Measuring Scientific Instruments and Apparatus.
„ III.—Photogrophy in its applications.
„ IV.—General Mechanics.
„ V.—Electricity.
„ VI.—Public Works.
„ VII.—Industry of Transportation—Rail roads and Tramways.
„ VIII.—Mercantile Navigation, by Sea, River and Lake.
„ IX.—Aerial Navigation.
„ X.—Postal Service.
„ XI.—Sporting Industries.
„ XII.—The Modern Town.
„ XIII.—Dwelling Decoration, Furniture and Appointments.
„ XIV.—Musical Instruments—Theatres—Entertainments.
„ XV.—Sylviculture and Forest Industries.
„ XVI.—Agriculture—Agricultural Machines.
„ XVII.—Food Industries and Products.
„ XVIII.—Extractive and Chemical Industries.
„ XIX.—Textile Industries.
„ XX.—Wearing Apparel Industry, etc.
„ XXI.—Jewellery, Precious Stones, Notions.
„ XXII.—Leather Industry and Sundries.
„ XXIII.—The Newspaper and the Art of Printing.
„ XXIV.—Social Economy.
„ XXV.—Colonization, Emigration, Colonies.
„ XXVI.—National Defence (Army and Navy).

Ordered that the foregoing papers be published in the Supplement to the *Gazette of India* for general information, and that copies be forwarded to the Local Governments and Administrations named in the margin for information, and to the Foreign Department, for information and communication to Native States.

The Government of Madras.
„ „ „ Bombay.
„ „ „ Bengal.
„ „ „ the United Provinces.
„ „ „ the Punjab.
„ „ „ Burma.
„ „ „ Eastern Bengal and Assam.
The Hon'ble the Chief Commissioner, Central Provinces.
The Hon'ble the Agent to the Governor-General and Chief Commissioner, North-West Frontier Province.
The Hon'ble the Chief Commissioner of Coorg.
The Hon'ble the Chief Commissioner of Ajmer-Merwara.

Ordered, also, that a copy be forwarded to all Chambers of Commerce for infomation.

B. ROBERTSON,

Secretary to the Govt. of India.

Punjab Government Press, Lahore—13-11-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 20, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 14, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

MEDICAL.

Calcutta, the 12th November 1908.

No. 1204.—Captain J. C. H. Leicester, M.D., F.R.C.S., I.M.S., First Surgeon Presidency General Hospital, Calcutta, is appointed to be Civil Surgeon, Simla (East) with effect from the date on which he assumes charge of his duties.

No. 1211.—Major H. B. Melville, M.B., I.M.S., Civil Surgeon, Fyzabad, is appointed to be Civil Surgeon, Simla (West), with effect from the date on which he assumes charge of his duties.

H. A. STUART,

Secretary to the Government of India.

DEPARTMENT OF REVENUE AND AGRICULTURE.

NOTIFICATION.

CIVIL VETERINARY ADMINISTRATION.

Calcutta, the 13th November 1908.

No. 2745—42-16.—In pursuance of Section 2, Sub-Section (1) of the Glanders and Farcy Act, 1899 (XIII of 1899), the Governor General in Council is pleased to declare, in respect of British India generally, that, for the purpose of the definition contained in the said sub-section, "diseased" includes affected with South African Horse Sickness.

The Notification of the Government of India in the Department of Revenue and Agriculture, No. 1057, dated 16th April 1908, is hereby cancelled.

R. W. CARLYLE,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 13th November 1908.

VOLUNTEER CORPS.

APPOINTMENTS.

1st Punjab Volunteer Rifles.

No. 913.—Charles Henry Browne to be Captain, *vice* Padfield resigned. Dated 1st September 1908.

A. W. L. BAYLY,

Secretary to the Government of India.

DIRECTOR-GENERAL, INDIAN MEDICAL SERVICE.

NOTIFICATION.

Simla, the 4th November 1908.

No. 80.—The services of 2nd class Assistant Surgeon E. D. Shave, Indian Subordinate Medical Department, are placed at the disposal of the Government of the Punjab, for temporary civil employment in that Province, with effect from the 30th September 1908.

G. BOMFORD, M.D., SURGEON-GENERAL,

Director-General, Indian Medical Service.

FROM THE "SUPPLEMENT TO THE GAZETTE OF INDIA," DATED NOVEMBER 14, 1908.

Nos. 1151—1157.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

ALLOTMENT OF MEMBERS OF THE INDIAN CIVIL SERVICE APPOINTED TO THE BENGAL PRESIDENCY IN 1908.

Calcutta, the 12th November 1908.

RESOLUTION.

THE undermentioned gentlemen have recently been appointed in England to the Indian Civil Service (Bengal Presidency) in the order specified below:—

Alexander Cassells	Lower Provinces.
Gerard Mackworth Young	United Provinces, Punjab and Central Provinces.
Leonard Middleton	Ditto ditto.
Bernard Henry Bourdillon	Ditto ditto.
Harold Lacy Nichols	Burma.
Dhirajlal Dayabhai Nanavati	Ditto.
John Wood Nelson	Lower Provinces.
John Moncrieff Wright	Burma.
William Joseph Cornwall Laurie	Lower Provinces.
Edmond Darley Farran	United Provinces, Punjab and Central Provinces.

Eyre Gordon	United Provinces, Punjab and Central Provinces.
Leonard Seymour Lambert Dacres	Ditto ditto.
John Godfrey Beazley	Ditto ditto.
Herbert Allardyce Lane	Ditto ditto.
Stanley Kessen Sawday	Lower Provinces.
Herbert Aubrey Francis Metcalfe	United Provinces, Punjab and Central Provinces.
Gilbert Charles Tew	Burma.
Algernon Earle Gilliat	Ditto.
James Cecil Moore	United Provinces, Punjab and Central Provinces.
William Henry Boyce	Lower Provinces.
Harry St. John Bridger Philby	United Provinces, Punjab and Central Provinces.
Abraham Phillipson	Lower Provinces.
Henry Comyn Maitland	Ditto.
George David Walker	Ditto.
John Reeder Makeig-Jones	Ditto.
James St. Clair Saunders	Burma.
Gilbert Pitcairn Hogg	Lower Provinces.
Alexander McDonald	United Provinces, Punjab and Central Provinces.
Ernest Henry Huish Edye	Ditto ditto.
Gerald John Evangelist O'Byrne	Ditto ditto.
Ernest Godfrey Pattle	Burma.
John Collard Bernard Drake	Lower Provinces.
Charles Claude Vincent Rodolph Sells	Ditto.
James Vere Stewart Wilkinson	United Provinces, Punjab and Central Provinces.
Guy Oldfield Allen	Ditto ditto.
Donald Johnstone	Ditto ditto.
Rupert Barkeley Smith	Ditto ditto.
John Graham Drummond	Lower Provinces.
John Brown Marshall	Burma.
Geoffrey Charles Sankey	Lower Provinces.
John Gilbert Bourne	United Provinces, Punjab and Central Provinces.
Prabodh Chandra Dé	Lower Provinces.
Charles Huntingford Malan	United Provinces, Punjab and Central Provinces.
Earnest Lingham Norton	Ditto ditto.
Gerald Courtenay Kerwood	Lower Provinces.

2. The Governor General in Council has been pleased to attach the abovementioned gentlemen to the Provinces shown below against their names :—

Mr. A. Cassells " W. J. C. Laurie. " W. H. Boyce " H. C. Maitland " J. R. Makeig-Jones " J. C. B. Drake " J. G. Drummond " Prabodh Chandra Dé	Bengal.
Mr. J. W. Nelson " S. K. Sawday " A. Phillipson " G. D. Walker " G. P. Hogg " C. C. V. R. Sells " G. C. Sankey " G. C. Kerwood	Eastern Bengal and Assam.

Mr. B. H. Bourdillon . . .	United Provinces.
,, L. S. L. Dacres . . .	
,, H. A. Lane . . .	
,, J. C. Moore . . .	
,, E. H. H. Edye . . .	
,, G. J. E. O'Byrne . . .	
,, J. V. S. Wilkinson . . .	
,, G. O. Allen . . .	
,, R. B. Smith . . .	
,, E. L. Norton . . .	
Mr. G. M. Young . . .	Punjab.
,, L. Middleton . . .	
,, J. G. Beazley . . .	
,, H. A. F. Metcalfe . . .	
,, H. St. J. B. Philby . . .	
,, D. Johnstone . . .	
,, C. H. Malan . . .	
Mr. E. D. Farran . . .	Central Provinces.
,, E. Gordon . . .	
,, A. McDonald . . .	
,, J. G. Bourne . . .	
Mr. H. Nichols . . .	Burma.
,, Dhirajlal Dayabhai Nanavati .	
,, J. M. Wright . . .	
,, G. C. Tew . . .	
,, A. E. Gilliat . . .	
,, J. St. C. Saunders . . .	
,, E. G. Pattle . . .	
,, J. B. Marshall . . .	

3. The Governor General in Council is further pleased to direct that the gentlemen posted to Bengal shall, on arrival at Calcutta, report themselves to the Chief Secretary to the Government of Bengal. The officers posted to Eastern Bengal and Assam should telegraph from Calcutta, to the Chief Secretary to the Government of that province at Shillong for orders as to their destination, in the event of their not finding instructions awaiting their arrival. Gentlemen of who land at Bombay should inquire of the Chief Secretary to the Government of Bombay whether any orders are awaiting them from the Government of the province to which they have been posted. The officers posted to Burma should proceed to Rangoon and report themselves to the Chief Secretary to the Government of that province.

4. The officers posted to the United Provinces should report themselves to the Chief Secretary to the Government of the United Provinces, Allahabad. Those posted to the Punjab should telegraph from Bombay to the Chief Secretary to the Government of the Punjab, Lahore, for orders as to their destination, in the event of their not finding instructions awaiting their arrival. The officers posted to the Central Provinces should report by telegraph from Bombay their arrival to the Chief Secretary to the Chief Commissioner of those provinces at Nagpur, by whom they will be instructed to which portion of the province to proceed.

ORDER.—Ordered that a copy of this Resolution be forwarded to the Government of Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Bumra, and to the Honourable the Chief Commissioner of the Central Provinces, for information and guidance. Also that the Resolution be published in the Supplement to the *Gazette of India*, and that a copy be forwarded to each of the gentlemen named therein.

H. A. STUART,

Secretary to the Government of India.

Punjab Government Press, Lahore—20-11-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 27, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 21, 1908.

HOME DEPARTMENT.

NOTIFICATION.

ESTABLISHMENT.

Calcutta, the 18th November 1908.

No. 1171.—The services of Mr. H. P. Tollinton, of the Indian Civil Service, are replaced at the disposal of the Government of the Punjab with effect from the afternoon of the 14th November 1908.

H. A. STUART,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 20th November 1908.

NOTIFICATIONS.

APPOINTMENTS.

CANTONMENT MAGISTRATES' DEPARTMENT.

No. 915.—The service of Captain G. C. Burn, Indian Army, Cantonment Magistrates' Department, are placed at the disposal of the Government of the Punjab, for employment as a Cantonment Magistrate.

No. 916.—On return from leave the services of Major C. J. Cumberlege, Indian Army, Cantonment Magistrates' Department, are placed at the disposal of the Government of the Punjab, for employment as a Cantonment Magistrate.

LONDON GAZETTE.

No. 922.—The following extracts are published for general information :—

"London Gazette" dated 20th October 1908, *pages* 7560 *to* 7561.

* * * * * * *

INDIA OFFICE,
October 20, 1908.

The King has approved of the following promotions among officers of the Indian Army :—

INDIAN ARMY.

† * * * * * *

Lieutenants to be Captains.

* * * * * * *

Dated 12th August 1908.

* * * * * * *

Arthur Mills Elloughton Henry Travis Walker, 82nd Punjabis.

* * * * * * *

A. W. L. BAYLY,
Secretary to the Government of India.

THE HONOURABLE THE AGENT TO THE GOVERNOR GENERAL IN BALUCHISTAN.

NOTIFICATION.

Quetta, the 7th November 1908.

No. 5958.—The undermentioned candidates are declared to have passed the prescribed tests in Baluchi by the Higher Standard at an examination held at Quetta on the 6th and 7th November 1908 :—

1. Store Sergeant R. W. Jones, Ordnance Department.
2. Lieutenant D. R. W. Gordon, 17th Gurkha Rifles.
3. Captain A. H. Arbuthnot, 2-7th Gurkha Rifles.
4. Assistant Surgeon G. S. Jennings, I. S. M. D.
5. Captain H. E. Herdon, 55th Coke's Rifles, Station Staff Officer, Quetta.
6. Captain A. Grey, I. A., Assistant to the Hon'ble the Agent to the Governor-General in Baluchistan.
7. Captain R. Selous, 1st York and Lancaster Regiment.
8. Lieutenant B. Walter, No. 2 Mountain Battery, R. G. A.
9. Lieutenant G. T. Raikes, 1st South Wales Borderers.

By order,

T. H. ST. G. TUCKER, CAPTAIN,
Third Assistant.

THE HNO'BLE THE AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER PROVINCE.

NOTIFICATIONS.

Peshawar, the 14th November 1908.

No. 121.—The services of the Reverend H. S. Stephenson, B. A., a Junior Chaplain on the Bengal (Lahore) Ecclesiastical Department, are placed at the disposal of the Government of Bombay with effect from the date of his return from the privilege leave granted to him in this Administration Notification No. 149-N., dated the 19th June 1908, for employment as Chaplain of Hyderabad, Sind.

No. 122.—On return from the leave granted to him in this Administration Notification No. 54, dated the 25th April 1908, the Reverend F. C. Buckwell is reposted as Chaplain of Nowshera, with effect from the 4th November 1908, or such subsequent date as he may have assumed charge of his duties.

No. 123.—On relief by the Reverend F. C. Buckwell, the Reverend E. S. Thomas, B. A., Chaplain of Nowshera, is reported as Chaplain of the Derajat with effect from the date on which he may assume charge of his duties.

By order, etc.,

A. H. GRANT,

Secretary to the Chief Commissioner,
North-West Frontier Province.

The 14th November 1908.

No. 124.—The following candidates are declared to have passed in Pashtu by the Higher Standard at the examination held at Peshawar, Dera Ismail Khan and Lahore Cantonment on the 29th October 1908 and following day :—

1. Lieutenant B. E. Anderson, 59th Rifles.
2. Lieutenant W. E. Beasley, 54th Sikhs.
3. Mr. C. A. M. Beastone, Superintendent, Northern India Salt-Revenue, Malgin Circle.
4. Captain J. E. L. Bruce, Royal Artillery.
5. Lieutenant A. H. Bun, 59th Rifles (F. F.).
6. Lance Corporal J. Byrne, 1st Battalion, Royal Irish Regiment.
7. Captain A. Cameron, Indian Medical Service.
8. Lieutenant A. Campbell, Royal Engineer.
9. Lieutenant F. C. G. Campbell, 40th Pathans.
10. Malor A. D. Cox, 69th Punjabis.
11. Mr. H. Dale Green, Executive Engineer, North-Western Railway.
12. Lieutenant J. S. Dallas, 1-6th Gurkha Rifles.
13. Lieutenant G. T. Dennys, 31st Punjabis.
14. Sergeant W. J. Dixie, 19th Mule Cadre.
15. Lieutenant O. A. Duke, 22nd Cavalry (F. F.).
16. Mr. F. V. Elsden, Assistant Engineer, Malakand Division, Upper Swat River Canal.
17. Lieutenant R. C. Fergusson-Pollok, 32nd Lancers.
18. Mr. C. W. Foster, Quarter Master, Samana Rifles.
19. Mr. F. R. Foy, Executive Engineer, Mardan Division, Upper Swat River Canal.
20. Lieutenant W. A. MacD. Garstin, Supernumerary Assistant Commissioner, Peshawar.
21. Corporal J. Gill, 1st Battalion, Royal Irish Regiment.
22. Lieutenant G. Gray, 36th Sikhs.
23. Captain D. A. Graves, Royal Engineer.
24. Captain A. M. Houston, 55th Coke's Rifles (F. F.).
25. Lieutenant H. L. Ismay, 21st Cavalry (F. F.).
26. Captain P. E. Knapp, 51st Sikhs (F. F.).
27. Lieutenant T. Milne, 55th Coke's Rifles (F. F.).
28. Sergeant J. A. C. Morel, 28th Mule Corps.
29. Lieutenant R. F. Nation, 239th Garhwal Rifles.
30. Lieutenant W. Owen, 38th Dogras.
31. Lieutenant H. W. Pierpoint, Indian Medical Service.
32. Lieutenant C. W. Prescott, I. A., Assistant Commissioner, Dera Ismail Khan.
33. Lieutenant D. H. Rai, Indian Medical Service.
34. Lieutenant H. L. Reilly, 82nd Punjabis.
35. Lieutenant C. I. Shepherd, 53rd Sikhs (F. F.).
36. Sub-Conductor R. Spargo, 3rd Mule Cadre.
37. Sub-Conductor R. T. Teather, 20th Mule Corps.
38. Captain F. E. Wilson, Indian Medical Service.
29. Lieutenant F. C. C. Yeats-Brown, 17th Cavalry.

No. 125.—The undermentioned candidates are declared to have passed the examination in Pashtu held at Peshawar and Dera Ismail Khan on the 31st October 1908, under Rule XI of the Rules for Examination in the Pashtu and Baluchi Languages published with *Punjab Government Gazette* Notification No. 432, dated the 9th May 1899:—

1. M. Ghulam Dastgir, Inspector of Government Railway Police.
2. B. Ram Lal, Temporary Sub-Overseer, Mardan Division, Upper Swat River Canal.
3. L. Sham Lal, Sub-Overseer, Lower Swat River Canal Division.
4. M. Abdul Aziz, Sub-Inspector of Police, Hazara.
5. M. Khairulla Khan, Sub-Inspector of Police, Hazara.
6. Karam Ali Khan, Sub-Inspector of Police, Bannu.
7. Khazan Singh, Sub-Inspector of Police, Dera Ismail Khan.
8. Sultan Khan, Sub-Inspector of Police, Dera Ismail Khan.

By order, etc.,

J. L. MAFFEY,

Assistant Secretary to the Chief Commissioner,
North-West Frontier Province.

Punjab Government Press, Lahore—2031-28—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, DECEMBER 4, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED NOVEMBER 28, 1908.

HOME DEPARTMENT.

NOTIFICATION.

MEDICAL.

Calcutta, the 24th November 1908.

No. 1269.—The services of Major R. Heard, M.B., I.M.S., are replaced at the disposal of the Government of the Punjab.

H. A. STUART,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

GEOLOGY AND MINERALS.

Calcutta, the 25th November 1908.

No. 10614—88.—The following draft of a Notification which it is proposed to issue in exercise of the powers conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), is published as required by the said section for the information of persons concerned, and notice is hereby given that the draft will be taken into consideration by the Governor-General in Council on or after the 28th day of February 1909.

2. Any objection or suggestion which may be received from any person with respect to the draft before the date fixed aforesaid, will be considered by the Governor-General in Council.

DRAFT NOTIFICATION.

In exercise of the powers conferred by section 20 of the Indian Mines Act, 1901 (VIII of 1901), the Governor-General in Council is pleased to make the following rules with respect to all mines other than coal mines and mines which have been exempted from the operation of the Act under a notification issued under section 29 thereof:—

RULES.

PART I.

Notices.

1. Within one month of the date on which these rules come into force, the owner, agent or manager of every mine shall furnish the Chief Inspector of Mines in writing with the full name and address of each manager and the name of the mine or mines in his charge.

2. Whenever any change occurs in the name or address of a manager or a new manager is appointed, the information required by rule 1 must be furnished in writing within one month to the Chief Inspector.

PART II.

Manager.

3. The manager shall write or cause to be written in a book known as "the Mines Act Book,"

(*a*) the name of the mine,

(*b*) the name and address of the owner of the mine and of his agent (if any),

(*c*) the name and address of the manager of the mine, and, if the manager does not exercise daily personal supervision in the mine, the name and address of the person or persons who actually exercise such supervision, and

(*d*) the names of all subordinate officials of the mine.

All entries made in the book shall be signed by the owner, agent or manager.

4. The manager shall see that a sufficient supply of good drinking water is kept in or near the mine so as to be easily accessible to all persons employed in or about the mine.

5. The manager or some competent person or persons appointed on his behalf shall inspect every part of the mine in which persons are working or have to work at least once in every 24 hours, and if more than 20 persons are employed in the mine simultaneously shall without delay write or cause to be written a report of such inspection in a book to be kept for the purpose. Every such report shall be signed by the person making the inspection.

6. Where any person required by these rules or any special rules made under Section 21 of the Indian Mines Act, 1901, to make any report is unable to write such report, he shall cause it to be taken down from his dictation. The report shall be read over to him and he shall attach his signature or thumb mark to it in token of its correctness. The person who wrote the report shall sign his name at the end with a statement to the effect that the report has been read over to the person on whose behalf it was written and has been admitted by him to be correct.

7. The manager shall see that all books which are required to be kept under these rules, together with a copy of the rules, are kept in a convenient place adjacent to the mine, and that they are produced on the request of an Inspector of Mines, a Magistrate or any person authorised in that behalf by the Local Government.

8. The manager shall be personally responsible for arranging the warning to be given to those working in the mine, as provided in rule 14, before blasting is commenced, and the notice to be given when blasting is finished.

9. The manager shall see that suitable boxes are provided for the storage of explosives.

PART III.

Explosives and shotfiring.

10. No explosive substance shall be stored in a mine.

11. No. explosive substance shall be taken into the mine except in secured case or boxes containing not more than 10 lbs. each The cases or boxes shall be so constructed and closed, as to prevent the escape of the explosives and any danger from sparks.

12. Detonators shall not be kept or conveyed in the same box as other explosives.

13. No person shall use any iron or steel implement in the process of charging or stemming for blasting.

14. Blasting shall not be commenced until due warning has been given to all persons working in the mine by an efficient system of signals or by other suitable means as arranged by the manager in accordance with rule 8. Notice shall similarly be given as soon as blasting is finished.

15. If a shot has, or appears to have, missed fire, no person shall approach the place until at least one hour has elapsed.

16. After a shot hole has been charged, no person shall remove or attempt to remove anything therefrom.

17. A new shot hole shall not be commenced in any portion of a shot hole left by a previous shot.

18. If a shot has missed fire, no new hole shall be commenced within twelve inches from the hole in which the misfire occurred, and care shall be taken to point the hole in such a direction that there is no danger of drilling into the unexploded charge. The new hole shall be bored in the presence of the manager or of the person who exercises daily personal supervision over the mine and also, if possible, of the man who bored the hole in which the misfire occurred.

PART IV.

Safety of persons employed.

19. The roofs and sides of all travelling roads and working places in the mine shall be made and kept secure.

20. In open workings the overburden and all loose ground and material shall be removed sufficiently far from the edge or otherwise made secure to prevent danger to persons employed in the mine.

21. The sides of open workings shall be sloped, stepped or secured in such a manner as to prevent danger from falls of material.

22. When an open working is worked in steps, the steps shall be of sufficient breadth in comparison with their height to secure safety.

23. Every flywheel and all exposed and dangerous parts of the machinery in or about the mine shall be kept securely fenced.

24. Where no enactment for the regulation and inspection of steam boilers and prime movers is for the time being in force, every steam boiler, whether separate or one of a range, shall have attached to it a proper safety valve, steam gauge and water gauge.

B. ROBERTSON,

Secretary to the Government of India.]

ARMY DEPARTMENT.

Fort William, the 27th November 1908.

FURLOUGH AND LEAVE.

No. 939.—Major W. A. Bailey, I.A., Cantonment Magistrates' Department, has been granted privilege leave for 1 month and 7 days with furlough in continuation for 1 year 4 months and 25 days, with effect from the 26th October 1908.

PROMOTIONS.

INDIAN SUBORDINATE MEDICAL DEPARTMENT.

ASSISTANT SURGEON BRANCH.

Bengal Establishment.

No. 943.—The following promotions are made subject to His Majesty's approval:—

* * * * * *

First Class Assistant Surgeon Edwin Sterling Baillie, to be Senior Assistant Surgeon with the honorary rank of Lieutenant (*seconded*);

* * * * * *

with effect from the 2nd Nevember 1908.

H. M. P. HAWKES,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—4-12-08—800.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, DECEMBER 11, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 5, 1908.

HOME DEPARTMENT.

NOTIFICATION.

MEDICAL.

Calcutta, the 2nd December 1908.

No. 1326.—The services of Major A. J. Macnab, F.R.C.S., I.M.S., are placed at the disposal of the Foreign Department.

H. A. STUART,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Calcutta, the 1st December 1908.

No. 190.—It is hereby notified that, subject to the rules and conditions laid down in paragraph 3 of Public Works Department Resolution No. 139-A. E, dated 17th June 1899, published in notification No. 278, dated 29th June 1899, one vacancy in the Superior Accounts Branch of the Public Works Department will be open to competition at the examination to be held in June 1909 for admission into that branch of the service.

Applications for nominations should be addressed to the Accountant-General, Public Works Department, in accordance with the rules above referred to, not later than the 15th January 1909.

L. M. JACOB,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATION.

EXPLOSIVES.

Dated Calcutta, the 3rd December 1908.

No. 10947—23.—In accordance with the provisions of section 18 of the Indian Explosives Act, 1884 (IV of 1884), and of the notification of the Government of India in the Home Department, No. 1964, dated the 2nd September 1887, the Governor-General in Council is pleased to publish for general information the following amendments which His

Excellency in Council, in exercise of the powers conferred by section 5 of the said Act, proposes to make in the rules regulating (1) the manufacture, possession and sale of explosives, and (2) the transport and importation of explosives, published with the Notifications in this Department Nos. 9045—8 (Explosives) and 4555—4 (Explosives), dated the 29th November 1906 and the 31st May 1907, respectively.

The draft will be taken into consideration by the Governor-General in Council on the expiration of two months from the date of publication of this Notification in the *Gazette of India*.

DRAFT AMENDMENTS.

I. Rules for the manufacture, possession and sale of explosives, issued with this Department Notification No. 9045—8, dated the 29th November 1906.

(*a*) Delete the figure '5' from the second line of rule 9 (2).

(*b*) Delete sub-clause (*ix*) of rule 11 (3).

(*c*) Delete clause (4) of rule 14.

(*d*) In clause (5) of rule 14 insert the word 'or' before the words "Form D," and delete the words "or Form E."

(*e*) After rule 14 add the following as rule 14-A :—

"14-A. 1. Licenses may be granted to contractors, cultivators or other persons to possess at the same time not more than 100 lbs. of gunpowder, 10 safety fuzes and 10 lbs. of other explosives when the same are proved to the satisfaction of the officer granting the license to be required *bonâ fide* for blasting purposes.

Grant of licenses to contractors, cultivators or other persons to possess explosives for *bonâ fide* blasting purposes.

(2) Licenses under this rule may be granted in a Presidency town or its suburbs or in Rangoon by the Commissioner of Police and elsewhere—

(*a*) when only gunpowder and fuzes are to be possessed, by any Magistrate of the 1st class or by a Magistrate of the 2nd class specially authorised by the District Magistrate in this behalf ;

(*b*) when other explosives are to be possessed, by the District Magistrate.

Every such license shall be in Form E in the schedule hereto annexed and shall contain the conditions prescribed therein."

(*f*) Add the following proviso after rule 16 (1) :—

"Provided that if any magazine from which supplies of explosives can be obtained and which is licensed under rule 17 exists within a distance of ten miles from the place approved by the licensing officer under this rule, the quantity of explosives which may be possessed shall not exceed 25 pounds."

(*g*) Substitute the following for rule 28 (2) :—

"(2) no fee shall be charged for licenses granted to contractors, cultivators or other persons under rule 14-A."

(*h*) In Form E—

(*i*) For "rule 14" at the top of the Form substitute "rule 14-A."

(*ii*) For the words "Fee—eight annas in stamps" substitute the words "Free of charge."

(*iii*) Alter the heading of the form to read—

"License to possess gunpowder, safety fuzes or other explosives required *bonâ fide* for blasting purposes."

(*iv*) Alter the sub-heading of the form within brackets to read—

"(Granted in a Presidency town or its suburbs or in Rangoon by the Commissioner of Police, and elsewhere by the District Magistrate. If gunpowder and fuzes only are to be possessed, the license may be granted by any Magistrate of the 1st class or by a Magistrate of the 2nd class specially authorised by the District Magistrate in this behalf)."

(v) In column 4 delete the word "and" after the word "gunpowder" and insert the words "and 10 lbs. of other explosives" after the word "fuzes."

(vi) In condition 2 substitute the words "a distance of 50 yards" for the words "the prescribed distances" and eliminate the footnote.

(vii) In the proviso to condition 2 omit the word "and" after the word "gunpowder" and insert the words "and 10 lbs. of other explosives" after the word "fuzes"; also substitute the word "explosives" for the word "explosive."

(viii) Add the following as condition 5, and renumber the existing condition 5 as condition 6 :—

"5. All explosives, other than gunpowder and safety fuzes, exceeding one pound in quantity, shall be kept in a substantial case, bag, canister or other receptacle made and closed so as to prevent the explosive from escaping".

(ix) Insert the following on the back of the Form :—

"ENDORSEMENT FOR TRANSPORT OF GUNPOWDER, FUZES OR OTHER EXPLOSIVES.

(SEE RULE 8-A-VIII OF THE RULES FOR THE TRANSPORT AND IMPORTATION OF EXPLOSIVES PUBLISHED WITH THE NOTIFICATION OF THE GOVERNMENT OF INDIA IN THE DEPARTMENT OF COMMERCE AND INDUSTRY, NO. 4555-4, DATED THE 31ST MAY 1907).

(To be made by the licensing authority or by a Magistrate.)

The holder of this license is permitted to transport explosives according to the entries made below and subject to the under-mentioned conditions :—

Quantity of explosives to be transported.	Place of despatch.	Route.	Destination.	Mode of transit.	Time during which transport must be completed.	Signature of Magistrate and date.

Conditions as to transport.

1. The license in Form E becomes void if the time occupied in transit exceeds the period specified, or if the consignment breaks bulk before reaching the place of destination, or if the articles are taken by any other route than that specified in the Endorsement.

2. The contents of each package in transit must be described in legible characters on the outside of such package.

3. Where transport takes place by cart, the person in charge of such cart shall not smoke, nor permit smoking on or dangerously near the same.

4. Notwithstanding any endorsement on the license made by a Magistrate authorising the licensee to transport gunpowder, fuzes or other explosives, the total quantity of gunpowder, fuzes or other explosives that may be possessed, whether in transit or otherwise, shall not at the same time exceed the quantity for which the license is valid."

(x) In Form F add the following as condition 8 :—

"8. All losses or thefts shall be reported without delay to the nearest police station."

(*j*) In Form J add the following as conditions 15 and 16 :—

"15. The licensee shall, at his own expense, provide for the safe custody of the magazine, a guard which shall be of such strength as the District Magistrate may consider to be sufficient."

"16. All losses or thefts shall be reported without delay to the nearest police station."

II. Rules to regulate the transport and importation of explosives, issued with this Department Notification No. 4555-4, dated the 31st May 1907.

(*a*) Below the heading "Transport" add the following as rules 8-A and 8-B :—

"8-A. (1) Explosives required for blasting purposes shall not be transported by holders of licenses granted in Form F, Form J, or Form K, contained in the Schedule to the Rules for the manufacture, possession and sale of explosives published with the notification of the Government of India in the Department of Commerce and Industry, No. 9045-8, dated the 29th November 1906, except under and in accordance with the conditions of a license to transport the same.

Licenses for transport.

(2) The following general rules shall be observed with respect to the grant of such licenses :—

I. Any such person may be granted a license for the general transport of explosives required for blasting purposes for any term not exceeding one year. The license shall be issued free of charge and shall be in Form II appended to these rules.

II. A license under Rule I shall be granted in a Presidency town or its suburbs or in Rangoon by the Commissioner of Police, and in any other place by the Magistrate of the District.

No such license, having effect beyond the local limits of the authority of the officer granting it, shall be granted for the transport of such explosives—

(*a*) to any Native State in India, without the consent of the Political Agent for such State ;

(*b*) to any Presidency town or its suburbs or Rangoon, without the consent of the Commissioner of Police ; or

(*c*) to any other place in British India, without the consent of the Magistrate of the District.

III. Every person who wishes to obtain a license under Rule I shall apply in writing to the authority empowered to grant such license, and shall furnish particulars as to the place from which, and the place or places to which, he desires to transport explosives.

Where the grant of the license requires the consent of some other authority specified in Rule II, the application shall state whether such consent has been obtained, and if so, shall be supported by evidence thereof.

IV. When the place or places to which explosives are to be transported are outside the local limits of the authority of the officer granting the license, a copy of the license shall be forthwith sent—

(*a*) when the transport of explosives is authorized to a Presidency town or to Rangoon, to the Commissioner of Police,

(*b*) when the transport of explosives is authorized to any other place, to the Magistrate of the District in which such place is situated.

V. The license shall entitle the licensee to issue passes for the transport of explosives required for blasting purposes from the place from which the explosives are to be transported as entered in the license, to any place or places to which the explosives may be transported as entered in the license, subject to the conditions mentioned in the license.

VI. The pass issued under Rule V shall accompany each consignment of explosives transported.

In the case of explosives transported by rail, the pass shall be attached to the way bill or invoice, as the case may be.

VII. A copy of every pass issued under Rule V shall be forthwith sent to the licensing authority, and in cases where the explosives are being transported to a place beyond the local limits of the authority of the officer who has granted the license, to the Magistrate of the District in which such place is situated, or if such place be in a Presidency town or Rangoon, to the Commissioner of Police.

VIII. The holder of a license in Form E of the rules for the possession of explosives shall not be required to take out a separate license for the transport of gunpower, fuzes or other explosives covered by such license. He shall on each occasion when he transports gunpowder, fuzes or other explosives present the license in Form E to the licensing anthority or to the nearest Magistrate, who shall endorse thereon particulars as to :—

(1) the quantity of gunpowder, fuzes or other explosives to be transported;

(2) the place of despatch;

(3) route;

(4) destination;

(5) mode of transit; and

(6) the time during which transport must be completed;

and shall attach his signature to the same."

"8-B. Whoever transports an explosive required for blasting purposes in contravention of the foregoing rules or commits a breach of any condition subject to which such transport is permitted shall be punishable with a fine which may extend to one thousand rupees.'

Penalty.

(b) In rule 17 for the words "Form A" substitute the words "Form I."

(c) In rule 28 for the words "Form A" substitute the word "Form I."

(d) In rule 32 insert the words "or to transport" after to the words "licensed to import" in line one and add the following at the end of the rule :—

"but no fee shall be charged in the case of a transport license granted under rule 8-A."

(e) In rule 35 insert the words "or pass" after the word "license" in two places.

(f) After rule 35 insert the following as rules 35-A and 35-B :—

"35-A. Every license to transport explosives may, at its expiration and subject to the same conditions (if any) as to consent of any other authority, be renewed by the authority who granted it."

Renewal of transport licenses.

"35-B. Every authority empowered to grant or renew a license or to give his consent to such grant or renewal may, in his discretion —

Discretion of authority empowered to grant transport licenses.

(a) refuse to grant or renew such license or to give such consent, or

(b) refer the application for orders to the Government (if any) to which he is subordinate."

(g) Renumber "Form A" as "Form I."

(*h*) In condition 3 of license Form I insert the words "rule 8-A of these rules or" after the words "in accordance with" in line 3; also insert the words "as the case may be" after the words "(XI of 1878)" in line 4.

(*i*) After Form I add the following as Form II:—

"FORM II.

(See rule 8-A.-I.).

(Free of charge.)

General license to transport explosives required for blasting purposes.

(To be granted to holders of licenses in Forms F, J or K contained in the Schedule to the rules for the manufacture, possession and sale of explosives published with the notification of the Government of India in the Department of Commerce and Industry, No. 9045—8, dated the 29th November 1906).

A general license is hereby granted to ____________________

____

to transport explosives required for blasting purposes from ____________________

____

to the places* specified below subject to the conditions hereinafter contained.

*Places of destination ____________________

The license shall continue in force till the ____________________

The ____________________ 190 .

(Signature)

Seal

Conditions of license.

1. The license is subject to the Indian Explosives Act, 1884 (IV of 1884), and to the rules made thereunder.

2. It becomes void on the expiration of the term mentioned, or if a consignment breaks bulk before reaching the place of destination, or if the explosive is taken from or to any place other than the places mentioned in the license.

3. It authorises the licensee to deliver consignments of explosive material covered by the license, provided—

(*i*) that the consignee has taken out a license for the possession of explosives under the Indian Explosives Act, 1884 (IV of 1884);

(*ii*) that the quantity of Explosives despatched to any consignee is not in excess of the quantity which he is entitled under his license to possess;

(*iii*) that each consignment of explosives is covered by a pass in the form appended hereto;

(*iv*) that a copy of the pass issued with each consignment is forthwith sent to the authority granting the license and also to the Magistrate of the District to which the explosives are consigned or to the Commissioner of Police if the explosives are consigned to a Presidency town or Rangoon.

FORM OF PASS.

Pass granted by the holder of General Transport License (Explosives) No. for the transport of a consignment of explosives required for blasting purposes.

No._______

This pass covers______________packages containing (Description of explosives and weight).

being the property of______________________________

while in transit from________________to____________________

Holder of General License No.________"

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 4th December 1908.

PROMOTIONS.

INDIAN ARMY.

No. 954.—The following promotions are made, subject to His Majesty's approval :—

* * * * * * * *

Captains to be Majors.

29th November 1908.

* * * * * * * *

John Cecil Cortlandt Angelo, Civil employ, Punjab.

* * * * * * * *

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 970.—John Francis Connolly, I.C.S., to be Captain, to fill an existing vacancy. Dated 1st November 1908.

Simla Volunteer Rifles.

No. 971.—Captain Herbert Hallilay, M.B., I.M.S., Medical Officer, resigns his commission. Dated 21st October 1908.

North-Western Railway Volunteer Rifles.

No. 976.—Alexander Hepburn McLean to be Second Lieutenant, *vice* Gregson promoted. Dated 5th November 1908.

CANTONMENTS.

REGULATIONS.

No. 979.—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), and in modification of the notification of the Government of India in the Military Department, No. 664, dated the 16th June 1899, as subsequently amended, the Governor-General in Council is pleased to direct that the following amendments shall be made in the Cantonment Code, 1899, namely :—

1. To *section 24*, the following shall be added, namely:—

"*Explanation.*—In this section the words 'deposit of cash' include 'Savings Bank deposits' if pledged to the President of the Cantonment Committee; or where there is no such Committee, to the Commanding Officer of the Cantonment."

2. In *section 32, sub-section* (*4*), the words "through the Accountant-General" shall be omitted.

3. Sub-section (2) of section 33, and the number and brackets (1) in the same section are hereby cancelled.

4. In *section 39, sub-section* (*1*), after the words "in form 1 in schedule I" shall be added the words "either directly or through a subsidiary register."

In *sub-section* (2) of the same section, the comma after the word "series" shall be omitted, and the words "for each kind of receipt" added; and at the end of the sub-section the words "or in the appropriate column of a subsidiary register" shall be added.

5. For *section 51*, the following shall be substituted, namely :—

"51. (1) The accounts of the Cantonment Funds will be audited locally by the staff of the Examiner or Inspector of Local Fund Accounts on behalf of the Accountant-General every year. To facilitate audit, all vouchers, with all sub-vouchers above Rs. 10 attached to them, should be numbered in annual series and filed in separate files for the several months. These vouchers, all registers maintained in the cantonment office, and all other documents required for purposes of audit, should be produced whenever called for by the auditors, and any explanation required by those officers for the settlement on the spot of objections raised should be furnished without delay.

Audit of accounts.

(2) The Examiner or Inspector of local fund accounts will submit a report on the audit to the Accountant-General who will forward copies thereof with his remarks to the President, Cantonment Committee, the Officer Commanding the Division, and the Quarter Master General in India for necessary action.

The audit report should contain the following certificate :—

'Certified that a copy was kept in my office of the annual account for the year submitted to the Officer Commanding the Division, with my endorsement No. , dated—and that the account has been compared with local records and found correct subject to the following remarks.'

(3) The Examiner or Inspector of Local Accounts will inspect the Cantonment Fund offices during his tours of inspection to ascertain if the past audits by his staff have been properly conducted and to see if the accounts of the fund are being kept according to the prescribed rules. He should also advise the cantonment authorities on financial matters generally if necessary.

(4) All cases of fraud or embezzlement should at once be reported to the Accountant-General who will at his discretion depute an auditor to investigate into the case and report to the Officer Commanding the Division the result of the enquiry."

6. In *section 52, sub-section 2*, for the words " in the extracts forwarded to the Accountant-General for the month of March last preceding," the words "in the respective Registers" shall be substituted.

For sub-section (3) of the same section the following shall be substituted, namely :—

"(3) The consolidated account shall be forwarded in duplicate to the Examiner or Inspector of Local Accounts who will compare the two copies and forward one copy to the Officer Commanding the Division, retaining the other copy in his own office for check by the local auditors during audit with a view to furnishing the certificate of correctness."

7. In *Form 1, Schedule I*, after the column "From whom received" shall be inserted a column " Particulars of receipts."

In *Form* 2 of the same schedule, the second foil, headed "[To be sent to Accountant-General with the monthly extracts from the accounts] " shall be cancelled.

In *Forms 5 and 6* of the same schedule, after the column "to whom paid" shall be inserted a column " Particulars of payments."

H. M. P. HAWKES,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—11-12-08—800.

[illegible] section 2, for the words " in the district [illegible] to the [illegible] the [illegible] " the words [illegible] the respective [illegible] " be substituted.

[illegible] section (3) of the same section the following shall be substituted, namely :—

"(3) The consolidated account shall be forwarded in duplicate to the Examiner or Inspector of Local Accounts who will compare the two copies and forward one copy to the Office Commissioner [illegible] Division, retaining the other copy in his own office for [illegible] by the Local [illegible] with a view to furnishing the certificate of correctness."

[illegible] Form 1, Schedule A, after the column "From whom received" shall be [illegible] column "Particulars of receipts."

[illegible] Form 2 of the same schedule, the second foil, headed "[To be sent to [illegible] with the monthly extracts from the accounts]" shall be cancelled.

[illegible] Form 3, part 6 of the same schedule, after the column "To whom paid" shall [illegible] a column "Particulars of payments."

H. M. P. HAWKES,

Offg. Secretary to the Government of [illegible]

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, DECEMBER 18, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 12, 1908.

FOREIGN DEPARTMENT.

NOTIFICATION.

Fort William, the 9th December 1908.

No. 644-*Est.*—Major E. M. Molyneux, D. S. O., 12th Cavalry, Officiating Inspecting Officer, Punjab Imperial Service Cavalry, is confirmed in that appointment with effect from the 8th December 1908.

S. H. BUTLER,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

POST OFFICE.

The 7th December 1908.

No. 11026—225.—In exercise of the power conferred by section 10 (1) of the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to declare that the Friendly (or Tonga) Islands, the Gilbert Islands and the British Solomon Islands shall be added to the list of British Possessions for which the letter rate of postage from India is one anna per ounce, mentioned in rule 3 (1) of the rules published with the notification in this Department, No. 7397-225, dated the 5th August 1908.

No. 11042—225.—In exercise of the powers conferred by section 36 of the Indian Post Office Act, 1898 (VI of 1898), the Governor-General in Council is pleased to direct that the following amendment shall be made in rule 58 of the rules published with the Notification of the Government of India in this Department, No. 7397-225, dated the 5th August 1908:—

Item (*b*).—Insert the words "and the Somaliland Protectorate," after "Mauritius."

CUSTOMS ESTABLISHMENT.

The 9th December 1908.

No. 11121—3.—Mr. E. G. F. Abraham, I. C. S., is appointed to officiate as an Assistant Collector, Class III, in the Imperial Customs Service, with effect from the 19th November 1908, and is posted to Bengal.

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 11th December 1908.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 996.—Second-Lieutenant John Ashford to be Captain, *vice* Smithe, transferred to the Supernumerary List. Dated 1st November 1908.

H. M. P. HAWKES,

Offg. Secretary to the Government of India.

Punjab Government Press, Lahore—18-12-08—809.

Government Gazette

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, DECEMBER 25, 1908.

PART II.

Republications from the "Gazette of India."

FROM THE "GAZETTE OF INDIA," DATED DECEMBER 19, 1908.

HOME DEPARTMENT.

NOTIFICATIONS.

ARCHÆOLOGY AND EPIGRAPHY.

Calcutta, the 18th December 1908.

No. 319.—Dr. J. Ph. Vögel, Superintendent, Archæological Survey, Northern Circle, is granted privilege leave for one month and nineteen days with furlough for ten months in continuation, with effect from the 5th January 1909 or the subsequent date on which he may avail himself of the leave.

No. 320.—Mr. A. H. Longhurst, Assistant Superintendent, Archæological Survey, Eastern Circle, is appointed to officiate as Superintendent, Archæological Survey, Northern Circle, during the absence on leave of Dr. J Ph. Vögel or until further orders.

H. A. STUART,
Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

TELEGRAPHS.

Calcutta, the 14th December 1908.

No. 11272-224.—In exercise of the powers conferred by section 7 the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that, with effect from the 1st January 1909, the following amendment shall be made in the rules published with the Notification of the Government of India in the Public Works Department, No. 298 (Telegraphs), dated the 22nd of September 1904, namely:—

"The second paragraph of Rule 9 shall be cancelled."

The 16th December 1908.

No. 11347-247.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that, with effect from the 1st January 1909, the following alterations shall be made in the rules published with the Notification of the Government of India in the Public Works Department, No. 298 (Telegraphs), dated the 22nd of September 1904, namely:—

For "six weeks" in Rule 90 *read* "two weeks".

The 18th December 1908.

No. 11459-244.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Governor General in Council is pleased to direct that, with effect from 1st January 1909, the following amendments shall be made in the rules published with the Notification of the Government of India in the Public Works Department, No. 298 (Telegraphs), dated the 22nd of September 1904, as subsequenly amended, namely:—

In Rule 2-A—for "Ugent" the word "Empress" shall be substituted.

In Rule 12—the words "Telegraph or" shall be omitted.

In Rule 15—for the words "*Urgent, Ordinary*, or *Deferred*" the following shall be substituted:—"*Express* or *Ordinary*".

In Rule 16—Sub-paragraph (*c*) for "Bar of division (/)" the following shall be subsitituted:—"Bars of division (/) or (—)".

For Rule 34 the following shall be substituted:—

34. *Signature.*—The true signature and address of the sender (which are not charged for or transmitted) must always be written at the foot of the telegram. The sender of a private telegram can always be called upon to prove that the signature attached to it is genuine.

Rule 36 shall be cancelled.

In Rule 39—for "Urgent or Ordinary" the word "Express" shall be substituted and for "Deferred" the word "Ordinary".

In Rule 42—for "Urgent" the word "Express" shall be substituted.

In Rule 44—Sub-paragraph (*a*) for "*Urgen', Ordinary* or *Deferred*", "*Express* or *Ordinary*" shall be substituted.

For Rule 58 the following shall be substituted:—

58. *Classes.*—There are two classes of telegrams—*Express* and *Ordinary*. These classes apply equally to State and Private telegrams. The corresponding charges between any two offices in India or Burma are as follows:—

Class.	Unit No. of words.	Unit rate.	Each additional word.	Address.
		Rs. A.	Rs. A.	
Express	12	1 0	0 2	Charged for.
Ordinary	12	0 6	0 ½	Do.

In Rule 59—for "Urgent" the word "Express" shall be substituted.

In Rule 60—for "Urgent" the word "Express" shall be substituted.

Rule 61 shall be cancelled.

In Rule 61-A—for "Deferred" the word "Ordinary" shall be substituted.

In Rule 62—for "Deferred" the word "Ordinary" shall be substituted.

In Rule 92—for the words "Not less than four annas and must not contain any fraction of an anna" the following shall be substituted "not less than six annas".

In Rule 106—for "one rupee" the words "six annas" shall be substituted.

In Rule 119—for "Urgent, Ordinary or Deferred" the words "Express" or "Ordinary" shall be substituted.

For Rule 128 the following shall be substituted :—

128. *Rates*.—The following are the rates charged for Press telegrams :—

Class.	Unit No. of words.	Unit rate.	Each additional six words.	
		Rs. A.	Rs. A	
Express	48	1 0	0 2	Free.
Ordinary	48	0 8	0 1	Do.

Multiple Press messages will be charg[illegible] in Rule 110, whether all the addressees are in the same town or not. Th[illegible] in a Press telegram includes the name of the office to which the telegram is to [illegible]ansmitted, the name of the correspondent, and the name and address (if necessary) of the newspaper.

In Rule 128-A—for "Deferred" the word "Ordinary" shall be substituted.

In Rule 134—for "ary" the word "either" shall be substituted.

In Rule 143—for "*Urgent* or *Ordinary*" the word "*Express*" shall be substituted.

RESOLUTION.

Dated Calcutta, the 18th December 1908.

No. 11462-11502-244.—In the Resolution of the Government of India, No. 9870-9908-92, dated the 28th October 1908, certain proposals for the revision of the classification of inland telegrams and the rates at which they are transmitted were published for criticism, and it was stated that any expressions of opinion which might be furnished by the Local Governments or by the public generally would be considered after the end of November. The replies which have been received are generally favourable to the proposed changes, and the Government of India, after considering such suggestions as have been made for modifications in the scheme, have decided that the rates as originally published should be adhered to.

2. With effect from the 1st January 1909, the classification of inland telegrams and the charges for their transmission will be as follows :—

State and Private Telegrams.

Class.	Unit No. of words.	Unit rate.	Each additional word.	Address.
		Rs. A. P.	Rs. A. P.	
Express	12	1 0 0	0 2 0	Charged for.
Ordinary	12	0 6 0	0 0 6	Do.

3. The rates for Press telegrams will remain unchanged, but the two classes will in future be styled "Express" and "Ordinary" instead of "Ordinary" and "Deferred" Press telegrams of the higher class will be transmitted in their turn with State and Private Express messages and will receive no special treatment. "Ordinary" Press telegrams will, however, for the present continue to enjoy the priority which they receive under the existing classification, according to which, though classed as "Deferred", they are treated as "Ordinary". They will in future be transmitted out of their turn, after all "Express" telegrams, but before all "Ordinary" State or Private telegrams. This concession must, however, be regarded as a temporary measure only. It will be withdrawn as soon as the Government of India are satisfied that the recent traffic reforms have produced their full effect and that the speed of transmission of all telegrams is such as to render the special treatment of Press telegrams unnecessary.

ORDER.—Ordered that a copy of this Resolution be forwarded to all Local Governments and Aministrations, to all Chambers of Commerce and Trades Associations, to all Departments of the Government of India, to the Director General of Telegraphs and to the Director General of the Post Office.

Ordered, also, that a copy be published in the *Gazet e of India.*

COTTON DUTIES.

Dated Calcutta, the 15th December 1908.

No. 11303-6.—In exercise of the power conferred by section 7 (1) of the Cotton Duties Act, 1896 (II of 1896), and in supersession of the Notification in this Department, No. 10537-5, dated the 13th December 1907, the Governor-General in Council is pleased to fix, for the descriptions of cotton goods hereunder specified, tariff values as follows, with effect from the 1st January 1909 :—

Grey goods, plain or bordered.

		Tariff value per lb. A.	P.
1.	Chadars and bedsheets, plain, or having only borders not over ¼"	8	3
2.	Dangari and Khadi cloth	7	0
3.	Dhuties, cholas, dupattas, and lungis, plain, or having only borders not over ½"	8	6
4.	Dhuties, cholas, dupattas, and lungis, plain or having only borders over ½" but not over ¾"	9	3
5.	Dhuties, cholas, dupattas, and lungis, plain, or having only borders over ¾" but not over 2"	10	3
6.	Pánchápát dhuties and saris	12	0
7.	Dhuties and patals with headings over 4" wide and only coloured borders not over ½"	9	3
8.	Domestics, T. cloths, shirtings, longcloth, sheetings not having borders over ¼"	8	3
9.	Drills and jeans, plain	8	6
10.	Fents	7	3
11.	Printers	9	0
12.	Printers (bhagavad or sadlapat)	8	0
13.	Shirtings, twilled, unbleached	10	6
14.	" " bleached	11	6
15.	Tent, sail, commissariat, and double threaded cloth (dosuti)	8	0
16.	Zanzibar cloth	8	6

Provided that for calendered grey goods 3 pies shall be added to the above values.

Figured or coloured goods.

		Tariff value per lb. A.	P.
17.	Bedcovers, twilled sheets, quilts, and table-cloths, with borders not over ½"	8	6
18.	Bedcovers, quilts, table-cloths, twilled sheets and chadars, cloured warp or weft	9	6
19.	Bedcovers, quilts, table-cloths, twilled sheets and chadars, coloured warp and weft	10	6
20.	Bed ticking, plain or drilled	8	6
21.	Chadars, twilled, coloured (shawl checks)	10	6
22.	" not twilled, coloured, calico wove, shawl pattern	9	9
23.	Check gumchas	10	3
24.	Cholis and saris (coloured)	11	3
25.	Cotton tweed, commonly called hunting cloth, plain or striped, including leheria, Thana susi, Thana twill, and Thana check	10	0
25.	Cotton tweeds, others, and English checks, trouserings, and coatings	11	0
27.	Drills and jeans, striped	9	3
28.	" " " checked	10	0
29.	" " " dyed	9	3
30.	Fancy dobby pattern checks, coloured warp and weft ...	11	0

		Tariff value per lb. A. P.
31.	Fents	8 0
32.	Flannel pattern susi and dobby susi, grey weft ...	10 3
33.	" " " " " " coloured weft ...	10 9
34.	Lungis, coloured	11 3
35.	" unbleached, coloured stripes and borders ...	9 3
36.	Napkins, unbleached	9 9
37.	" bleached	10 9
38.	Susi check, English, grey ground	11 0
39.	" checks, ordinary, grey ground	10 6
40.	" " " coloured warp and weft ...	11 0
41.	" checksheets, ordinary, grey ground	10 3
42.	" ordinary, coloured stripes, grey ground... ...	9 3
43.	" " " weft	10 6
44.	Tent cloth, blue and red	9 3
45.	" " khaki	10 3
46.	Towels, Turkish, unbleached	11 6
47.	" " bleached	12 6
48.	" " honeycomb, unbleached	8 6
49.	" " " bleached	9 9
50.	Zephyr cloth	9 9
51.	" striped and checked	11 3

Provided that any goods specified in the foregoing lists shall, when woven with borders of silk, be assessed to duty *ad valorem*.

CUSTOMS.

The 18th December 1908.

No. 11503-6.—In exercise of the powers conferred by sections 22 and 23 of the Sea Customs Act, 1878 (VIII of 1878), in modification of the tariff values fixed by the Indian Tariff Act, 1894 (VIII of 1894), as amended by the Indian Tariff Act (1894) Amendment Act, 1896 (III of 1896), and as further altered from time to time by notifications of the Governor General in Council, the Governor General in Council is pleased to fix, with effect from the 1st January 1909, for the articles specified in column 2 of the schedule hereto annexed, the tariff values stated in column 4 of the said schedule.

Provided that nothing in this notification shall affect any additional duty imposed under the powers conferred by sections 8-A and 8-B of the Indian Tariff Act, 1894 (VIII of 1894), as amended by the Indian Tariff Act Amendment Act, 1899 (XIV of 1899), the Indian Tariff (Amendment) Act, 1902 (VIII of 1902), the Indian Tariff (Amendment) Act, 1903 (XII of 1903), and the Indian Tariff (Amendment) Act, 1904 (XI of 1904).

SCHEDULE IV.—(IMPORT TARIFF.)

GENERAL DUTIES.

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
			Rs. A.	
	Animals, living.			
1	HORSES, CATTLE, SHEEP, and all other living animals of all kinds	...	...	Free.
	Articles of Food and Drink.			
2	COFFEE	cwt	35 0	Five per cent.
3	FRUITS AND VEGETABLES (except fresh fruits and vegetables not separately enumerated, which are free)—			
	Almonds without shell	"	58 0	"
	" in the shell	"	16 0	"
	" (kágazi)	"	35 0	"
	Cashew or cajoo kernels	"	19 0	"
	Cocoanuts, Straits	thousand	60 0	"
	" other	"	40 0	"
	" kernel (khopra)	cwt	15 0	"
	Currants, in cases	"	22 0	"
	" in cans	"	25 0	"
	" other	"	16 0	"
	Dates, dry, in bags	"	7 0	"
	" wet " baskets and bundles	"	5 0	"
	" " in pots, boxes, tins and crates ...	"	6 8	"
	Figs, Persian, dried	"	8 8	"
	Garlic	"	7 0	"
	Hops	...	...	Free.
	Pistachio nuts	cwt	45 0	Five per cent.
	Prunes, Bussora (álu-Bokhara)	"	25 0	"
	Raisins, black	"	12 0	"
	" kishmish, Persian Gulf	"	14 0	"
	" Munakka, " "	"	8 0	"
	" other sorts	...	ad valorem	"
	Walnuts, Persian	cwt	12 0	"
	All other sorts of fruits and vegetables	...	ad valorem	"
4	GRAIN AND PULSE, including broken grain and pulse, but not including flour.	...	...	Free.
5	MINERAL AND AERATED WATERS, and all unfermented and non-alcoholic beverages	...	ad valorem	Five per cent.
6	PROVISIONS, OILMAN'S STORES, AND GROCERIES—			
	Bacon	...	"	"
	Beef and Pork	...	"	"
	Biche de mer...	...	"	"
	Butter	lb	1 4	"
	Cassava, Tapioca or Sago	cwt	12 0	"
	Cheese	...	ad valorem	"
	China preserves in syrup	cwt. (nett)	31 0	"
	" " dry, candied	lb	0 5	"
	Cocum	cwt	4 0	"
	Fish-maws	...	...	Free.
	Flour	...	ad valorem	Five per cent.
	Ghi	cwt	60 0	"
	Margarine	lb	1 4	"
	Pork hams	...	ad valorem	"
	Shark-fins	...	...	Free.
	Singally and sezille	...	...	"
	Vinegar, in casks	...	ad valorem	Two and one half per cent.
	" not in casks—			
	Persian	Imperial gallon	3 8	Five per cent.
	Indian	"	0 6	"
	All other sorts of provisions, oilman's stores, and groceries ...	...	ad valorem	"
7	SPICES—			
	Betelnuts, raw, whole, split or sliced, from Goa	cwt	13 0	"
	" " " " " Straits and Dutch East Indies	"	7 0	"
	Betelnuts, whole from Ceylon	"	7 8	"
	" raw, split (sundried) "	"	17 0	"
	" —all other sorts	...	ad valorem	"
	Chillies, dry	cwt	10 0	"
	Cloves	"	35 0	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per.	Tariff Valuation.	Duty.
			Rs. A.	
	Articles of Food and Drink—*concld.*			
	SPICES—*contd.*			
	Cloves stems and heads	cwt	7 0	Five per cent.
	„ in seeds, narlavang	„	10 0	„
	Ginger, dry	„	20 0	„
	Mace	lb	1 2	„
	Nutmegs	„	0 5½	„
	„ in shell	„	0 4	„
	Pepper, black	cwt	28 0	„
	„ white	„	50 0	„
	All other sorts of spices	...	*ad valorem*	„
8	SUGAR, crystallised, beet	cwt	10 0	„
	„ „ and soft, refined in China	„	11 0	„
	„ „ „ „ from Java, 21 Dutch standard and above.	„	10 0	„
	„ „ „ „ from Java, 16 to 20 Dutch standard	„	0 0	„
	„ „ „ „ „ 15 Dutch standard and under.	„	8 8	„
	„ „ „ „ from Mauritius equal to 16 Dutch standard and over.	„	9 8	„
	Molasses from Java	„	2 4	„
	„ „ other countries	„	3 0	„
	Sugar, all other sorts, including saccharine produce of all kinds and confectionery.	...	*ad valorem*	„
9	TEA, black	lb	0 12	„
	„ green	„	0 14	„
	Chemicals, Drugs, Medicines, and Narcotics, and Dyeing and Tanning Materials.			
10	CHEMICAL PRODUCTS AND PREPARATIONS—			
	Acid, sulphuric	...	*ad valorem*	„
	Alkali, Indian (sajji-khar)	cwt	2 4	„
	Alum	„	4 12	„
	Arsenic (China mansil)	„	32 0	„
	„ other sorts	...	*ad valorem*	„
	Bicarbonate of soda	cwt	6 0	„
	Copperas, green	...	*ad valorem*	Two and one-half per cent.
	Explosives, namely, blasting gelatine, dynamite, roburite, tonite and all other descriptions, including detonators and blasting fuse.	...	„	Five per cent.
	Sal ammoniac	cwt	31 0	„
	Sulphate of copper	„	20 0	„
	Sulphur (brimstone), flour	„	5 8	„
	„ („), roll	„	5 4	„
	„ („), rough	„	4 12	„
	All other sorts of chemical products and preparations, including saltpetre, borax, grape sugar, and glucose, but excluding nitrate of soda, muriate of potash, sulphate of ammonia, sulphate of potash, and kainit salts, which are free.	...	*ad valorem*	„
11	DRUGS, MEDICINES, AND NARCOTICS—			
	Aloes, black	cwt	30 0	„
	„ Soccotra	„	17 0	„
	Aloe-wood	lb	9 0	„
	Anti-plague serum	...	...	Free.
	Asafœtida (hing)	cwt	80 0	Five per cent.
	„ coarse (hingra)	„	28 0	„
	Atárv, Persian	...	*ad valorem*	„
	Bánslochan (bamboo camphor)	lb	0 5	„
	Brimstone (amalsára)	cwt	20 0	„
	Calumba root	„	7 0	„
	Camphor, refined, cake	lb	1 14	„
	„ partially refined, cake, in blocks of about 1½ lb ...	„	1 6	„
	„ in powder	...	*ad valorem*	„
	Cassia lignea	cwt	30 0	„
	China root (chobchini), rough	„	8 0	„
	„ „ („), scraped	„	15 0	„
	Cocaine	...	*ad valorem*	„
	Cubebs	cwt	40 0	„
	Galangal, China	„	5 8	„
	Pellitory (akalkara)	...	*ad valorem*	„
	Peppermint crystals	...	„	„
	Quinine and other alkaloids of cinchona	...	...	Free.
	Salep	cwt	220 0	Five per cent.

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Chemicals, Drugs, Medicines, and Narcotics, and Dyeing and Tanning Materials—*concld.*		Rs. A.	
	CHEMICAL PRODUCTS AND PREPARATIONS—*contd.*—			
	Senna leaves	cwt	6 8	Five per cent.
	Storax, liquid (rose melloes or salaras)	"	35 0	"
	Tobacco, unmanufactured	...	...	Free.
	" manufactured, excluding cigarettes	...	*ad valorem*	Five per cent.
	" " Cigarettes of a value not exceeding Rs. 8 per thousand	lb	2 0	"
	" " Cigarettes of a value exceeding Rs. 8 per thousand	"	7 0	"
	All other sorts of drugs, medicines, and narcotics, except opium (for which see Schedule III).	...	*ad valorem*	"
12	DYEING AND TANNING MATERIALS—			
	Alizarine dye, dry, 40 per cent.	lb	1 4¼	"
	" " " 50 "	"	1 8½	"
	" " " 60 "	"	1 12	"
	" " " 70 "	"	2 0¼	"
	" " " 80 "	"	2 4¾	"
	" " " 100 "	"	2 12	"
	" " moist, 10 "	"	0 4¾	"
	" " " 16 "	"	0 7	"
	" " " 20 "	"	0 8	"
	Aniline " " indigo, blue	"	0 6½	"
	" " dry	"	0 14	"
	" salts	...	*ad valorem*	"
	Avar bark	cwt	3 0	"
	Buzgand (gulpista)	"	50 0	"
	Cochineal	lb	1 0	"
	Gallnuts (myrabolams)	...	*ad valorem*	"
	" Persian	cwt	42 0	"
	Madder or manjit	"	20 0	"
	Orchilla weed	"	4 6	"
	Sappan wood and root	...	*ad valorem*	"
	Turmeric	...	"	"
	All other sorts of dyeing and tanning materials	...	"	"
	Metals and Manufactures of Metals.			
13	HARDWARE AND CUTLERY, including ironmongery and plated-ware, and also including machines, tools, and implements to be worked by manual or animal labour. [*Exceptions, which are free*: (i) water-lifts, sugar-mills, oil-presses, and parts thereof, and any other machines and parts of machines ordinarily used in processes of husbandry, or for the preparation for use or for sale of the products of husbandry, which the Governor General in Council may, by notification in the *Gazette of India*, exempt; (ii) the following agricultural implements, when constructed so that they can be worked by manual or animal power, namely, winnowers, threshers, mowing and reaping machines, elevators, seed-crushers, chaff-cutters, root-cutters, horse and bullock gears, ploughs, cultivators, scarifiers, harrows, clod-crushers, seed-drills, hay-tedders, and rakes; (iii) the following dairy appliances, when constructed so that they can be worked by manual or animal power, namely, cream separators, milk sterilising or pasteurizing plant, milk aërating and cooling apparatus, churns, butter dryers and butter workers; (iv) the following articles used in the manufacture of cotton, namely, bobbins (warping); forks for looms, healds, heald cords, heald knitting needles, laces, lags and needles for dobbies, pickers (buffalo and others), picking bands, picking levers, picking sticks (over and under), reed pliers, reeds, shuttles (for power looms), springs for looms, strappings, and weft forks; (v) box backs and swells and rough unshaped bobbin ends, when imported by or on behalf of a manufacturer or mill-owner, and certified by him to be intended exclusively for use in his mill.]	...	"	"
14	MACHINERY, namely, prime-movers and component parts thereof, including boilers and component parts thereof; also including locomotive and portable engines, steam-rollers, fire-engines, and other machines in which the prime-mover is not separable from the operative parts.	...	"	Free

SCHEDULE IV — (IMPORT TARIFF) — *contd.*

GENERAL DUTIES — *contd.*

No.	Names of Articles	Per	Tariff Valuation.	Duty.
	Metals and Manufactures of Metals—*contd.*		Rs A.	
	MACHINERY (and component parts thereof), meaning machines or sets of machines to be worked by electric, steam, water, fire or other power not being manual or animal labour, or which, before being brought into use, require to be fixed with reference to other moving parts; and including belting of all materrials for driving machinery Provided that the term does not include tools and implements to be worked by manual or animal labour, and provided also that only such articles shall be admitted as compotent parts of machinery as are indispensable for the working of the machinery and are, owing to their shape or to other special quality, not adapted for any other purpose. *Note.*—Machinery and compotent parts thereof made of substances other than metal are included in this entry	...	...	Free
	METALS, unwrought and wrought, and articles made of metals—			
	Brass, orsidue and leaves European	...	*ad valorem*	Five per cent.
	" " " China	...	"	"
	" patent or yellow metal, sheathing, sheets, braziers, and plates.	cwt	52 0	"
	" patent or yellow metal (old)	"	36 0	
	" sheets, flat or in rolls, very thin	"	175 0	"
	" wire	...	*ad valorem*	"
	" all other sorts	...	"	"
	Copper, bolt and bar, rolled	...	"	"
	" braziers, sheets, plates and sheathing	cwt	60 0	"
	" nails and composition nails	...	*ad valorem*	"
	" old	cwt	48 0	"
	" pigs, tiles, ingots, cakes, bricks and slabs ...	"	55 0	"
	" China, white, copperware	lb	1 12	"
	" foil, or dankpana, white, 10 to 11 in. × 4 to 5 in. ...	hundred leaves.	2 2	"
	" " coloured, 10 to 11 in. × 4 to 5 in.	"	2 4	"
	" wire, including phosphor-bronze	...	*ad valorem*	"
	" all other sorts, unmanufactured and manufactured, except current coin of the Government of India, which is free.	...	"	"
	German s'lver	...	*ad valorem*	"
	Gold bullion and coin	...	...	Free.
	" leaf	...	*ad valorem*	Five per cent.
	Iron, anchors and cables	...	"	One per cent.
	" Lowmoor and similar qualities, all descriptions ...	...	"	"
	" angle T, other than Lowmoor or Swedish ...	ton	100 0	"
	" " T, other than Lowmoor or Swedish, if galvanised, tinned, or lead-coated	...	*ad valorem*	"
	" bar, Swedish and similar qualities	ton	160 0	"
	" " " " " " nail-rod, round-rod, and square, under half an inch in diameter	"	170 0	"
	" " other kinds	"	105 0	"
	" " " " nail-rod, round-rod, and square, under half an inch in diameter.	"	110 0	"
	" " " " if galvanised, tinned, or lead-coated ...	...	*ad valorem*	"
	" beams, joists, pillars girders, bridge-work, and other such descriptions of iron, imported exclusively for building purposes	...	"	"
	" channel, including charnel for carriages	...	"	"
	" plate and sheet, Swedish and charcoal	...	"	"
	" bars, plates and sheets, Swedish and charcoal, if galvanised, tinned, or lead-coated	...	"	"
	Iron plate, other kinds, above ½ inch thick, and strips ...	ton	110 0	"
	" sheets, " " up to " " "	"	125 0	"
	" sheets (other than corrugated), plates or strips other kinds, if galvanised, tinned, lead-coated, chequerred or planished	...	*ad valorem*	"
	" sheets, corrugated, galvanised, or black ...	ton	200 0	"
	" hoop	"	130 0	"
	" nails, rose, wire, and flat-headed	cwt	9 8	"
	" " other kinds, including galvanised, tinned, or lead coated	...	*ad valorem*	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Metals and Manufactures of Metals—*concld.*		Rs.	
15	METALS, unwrought and wrought, and articles made of metals—*concld.*—			
	Iron nuts and bolts, also hooks and nuts for roofing, galvanised or black	...	*ad valorem*	One per cent.
	" old	cwt	2 0	"
	" pig	...	*ad valorem*	"
	" pipes and tubes, including fittings therefor, such as bends, boots, elbows, tees sockets, flanges, and the like	...	"	"
	" rails, chairs, sleepers and fishplates, other than those described in No. 60, also spikes (commonly known as dog spikes), switches, crossings, lever-boxes, clips, and tie-bars	...	"	"
	" rice bowls	...	"	"
	" ridging, guttering, and continuous roofing ...	...	"	"
	" rivets and washers, all sorts	...	"	"
	" wire, including fencing wire and wire rope, but excluding wire-netting	...	"	"
	" cans, tinned when imported containing petroleum, which is separately assessed to duty at one anna per Imperial gallon under No. 16	can	0 3	Five per cent.
	" all other sorts, including discs or circles and wire-netting	...	*ad valorem*	"
	Lametta	...	"	"
	Lead, all sorts (except sheets for tea-chest, which are free) ...	...	"	"
	Quicksilver	...	1 10	"
	Shot, bird	cwt	20 0	"
	Silver bullion or coin, except current coin of the Government of India, which is free	...	*ad valorem*	"
	Steel, anchors and cables	...	"	One per cent.
	" blooms	...	"	"
	" angle, T	ton	100 0	"
	" " " and hoop, if galvanised, tinned, or lead coated	...	*ad valorem*	"
	" bars (other than cast steel)	ton	100 0	"
	" " Swedish and similar qualities ...	...	*ad valorem*	"
	" " nail-rod, round rod, and square, under ½ inch in diameter	ton	110 0	"
	" bar, galvanised, tinned, lead-coated, planished or polished	...	*ad valorem*	"
	" channel, including channel for carriages	...	"	"
	" plates above ⅛ inch thick, and strips	ton	110 0	"
	" sheets up to ⅛	"	120 0	"
	" sheets (other than corrugated), plates, or strips, if galvanised, tinned, lead-coated, chequered or planished...	...	*ad valorem*	"
	" sheets, corrugated, galvanised or black	ton	210 0	"
	" hoop	"	135 0	"
	" nails	...	*ad valorem*	"
	" nuts and bolts, also hooks and nuts for roofing, galvanised or black	...	"	"
	" old	ton	120 0	"
	" beams, joists, pillars, girders, bridge-work, and other such descriptions of steel, imported exclusively for building purposes	...	*ad valorem*	"
	" cast and blistered, including spring and tub steel ...	...	"	"
	" ridging, guttering, and continuous roofing ...	...	"	"
	" pipes and tubes, including fittings therefor, such as bends, boots, elbows, tees, sockets, flanges, and the like	...	"	"
	" rails, chairs, sleepers, and fishplates, other than those described in No 60, also spikes (commonly knowns as dog spikes), switches, crossings, lever-boxes, clips, and tie-bars	...	"	"
	" rivets and washers, all sorts	...	"	"
	" wire, including fencing wire and wire rope, but excluding wire-netting	...	"	"
	" cans, tinned, when imported containing petroleum, which is separately assessed to duty at one anna per Imperial gallon under No. 16	can	0 3	Five per cent.
	" all other sorts, including discs or circles and wire-netting	...	*ad valorem*	"
	Tin, block	cwt.	125 0	"
	" foil, and other sorts	...	*ad valorem*	"
	Zinc or spelter, nails	...	"	"
	" " tiles or slabs, soft	cwt.	23 0	"
	" " t., " hard	"	19 0	"
	" " all oher sorts, including boiler tiles ...	...	*ad valorem*	"
	All other sorts of metals	...	"	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Oils.		Rs.	
16	PETROLEUM, including also naphtha and the liquids commonly known by the names of rock-oil, Rangoon oil Burma oil, kerosene, paraffin oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum ...	Imperial gallon.	...	One anna.
	" which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Custom Collector to be intended for use exclusively for the batching of jute or other fibre, or for lubricating purposes ...	...	*ad valorem*	Five per cent.
	" which has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs Collector to be intended for use exclusively as fuel or for some sanitary or hygienic purpose ...	...	"	
	Cocoanut-oil	cwt	25 0	"
	All other sorts of oil, animal or vegetable (including otto of all kinds), and mineral, including paraffin wax	...	*ad valorem*	"
	Other Articles, unmanufactured and maufactured.			
17	APPAREL, including drapery, haberdashery, and millinery, and military and other uniforms and accoutrement; but excluding cotton-hosiery (for which see No. 30) and boots and shoes (for which see No. 45) and excluding also uniforms, and accoutrements appertaining thereto, imported by a public servant for his personal use, which are free	...	"	"
18	ART, WORKS OF, except (1) statuary and pictures intended to be put up for the public benefit in a public place, and (2) memorials of a public character intended to be put up in a public place, including the materials used, or to be used, in their construction, whether worked or not, which are free ...	...	"	"
19	BAMBOOS, common, grass, hay, rushes, straw, and leaves ...	...	...	Free.
20	BOOKS, printed, including covers for printed books, maps, charts and plans, proofs, music, and manuscripts	...	...	"
21	BRISTLES AND FIBRE, for brushes and brooms	...	...	"
22	BRUSHES AND BROOMS, all sorts	...	*ad valorem*	Five per cent.
23	BUILDING AND ENGINEERING MATERIALS, namely, asphalt, bricks and titles, cement of all kinds, fire-clay, earthenware piping, lime, and other kinds not otherwise described ...	...	"	"
24	CABINET-WARE AND FURNITURE	...	"	"
25	CARRIAGES AND CARTS, including motor-cars, bicycles, tricycles, jinrikshas, bath chairs, perambulators, trucks, wheelbarrows, and all other sorts of conveyances, and component parts thereof, but excluding motor-cars, designed to carry goods and containing a prime-mover, which are free	...	"	"
26	CHINESE AND JAPANESE-WARE, including acquered-ware, but excluding earthenware, china, and porcelain (for which see No. 32)	...	"	"
27	CLOCKS, WATCHES, and other time-keepers, and parts thereof...	...	"	"
28	COAL, COALL, AND PATENT FUEL	...	...	Free.
29	CORDAGE, Rope and Twine made of any vegetable fibre ...	...	*ad valorem*	Five per cent.
30	COTTON, AND ARTICLES MADE OF COTTON—			
	Cotton, raw	...	...	Free.
	" twist and yarn	...	...	"
	" sewing and darning thread	...	...	"
	" piece-goods, hosiery, crochet cotton thread and all other manufactured cotton goods not otherwise described	...	*ad valorem*	Three and one-half per cent.

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per.	Tariff Valuation	Duty.
	Other Articles, unmanufactured and manufactured—*contd.*		Rs. A.	
31	EARTH, COMMON CLAY, AND SAND	...	...	Free.
32	EARTHENWARE (except earthenware piping, for which see No 23), china, china clay, porcelain, and imitation or false coral.	...	*ad valorem*	Five per cent
33	FANS OF ALL KINDS, except common palm-leaf fans, which are free	...	„	„
34	FIREWORKS, all sorts, including fulminating-powder ...	...	„	„
35	FLAX, AND ARTICLES MADE OF FLAX, including linen-thread ...	...	„	„
36	FURNITURE, TACKLE, AND APPAREL, not otherwise described, for steam, sailing, rowing, and other vessels.	...	„	„
37	GUMS, GUM-RESINS, and articles made of gum or gum-resin—			
	Copal	...	„	„
	Cutch and gambier	cwt	18 0	„
	Gamboge	℔	2 0	„
	Gum Ammoniac	cwt	20 0	„
	„ Arabic	„	18 0	„
	„ Bdellium	...	*ad valorem*	„
	„ Benjamin, ras	cwt	20 0	„
	„ „ cowrie	„	80 0	„
	„ Bysabol (coarse myrrh)	„	28 0	„
	„ Olibanum or frankincense	...	...	Free.
	„ Persian (false)	cwt	10 0	Five per cent.
	Myrrh	„	50 0	„
	Rosin	„	9 0	„
	All other sorts of gums, gum resins, and articles made of gum or gum-resin, including caoutchoud and gutta-percha.	...	*ad valorem*	„
38	HEMP, including Manila hemp, and articles made therefrom ...	...	„	„
39	HIDES AND SKINS (except raw or salted hides and skins, which are free), including parchment and vollum, gold-beaters' skins, and all other descriptions of hides or skin	...	„	„
40	HORN...	...	...	Free.
	„ articles made of, not otherwise described	...	*ad valorem*	Five per cent.
41	INSTRUMENTS, APPARATUS, AND APPLIANCES, and parts thereof—Computing, Dental, Distilling, Diving, Drawing, Educational, Electric, Electric-lighting, Galvanic, Measuring, Musical, Optical, Philosophical, Phonographic, Photographic (including materials for Photography), Scientific, Surgical, Surveying, Telegraphic, Telephonic, Typewriters, and all other sorts, except Telegraphic instruments and apparatus, and parts thereof, when imported by or under the orders of a railway company, and any instruments, apparatus, and appliances when imported by a passenger as part of his personal baggage and in actual use by him in the exercise of his profession or calling which are free. All band instruments (other than stringed instruments), imported by a Native regiment of His Majesty's regular forces in India, or by a unit of the Imperial Service Troops, or by a Military Police Battalion, and certified by the officer commanding the regiment or unit or the officer in charge of the Military Police Battalion to be for the *bonâ fide* exclusive use of the regimental band, or the band attached to the Military Police Battalion, as the case may be, and the following accessories thereto, are also free of duty :—	...	„	„

Bags for bagpipes.	Green silk ribbon for drums.
Cardholders.	Key pads for reed instruments.
Carriages (brown or black).	Ligatures for reed instruments.
Cases for reeds and mouth-pieces.	Mouthpieces and caps therefor.
Cases (leather or wooden).	Mutes for brass instruments.
Chanters, pipe, and practice.	Pipe tassels for bagpipes.
Cleaners for brass and reed instruments.	Reeds.
Cord for bagpipes.	Ribbons for bagpipes.
Crooks.	Ropes for drums.
Drones for bagpipes.	Shanks and slides for brass instruments.
Drum heads.	Silver buckles for drums.
Drum sticks.	Silver buttons for drums.
Drum flesh hoops.	Springs.
Fingertops.	Snares.
Green broadcloth for drums.	Taps for brass instruments.
	Valve corks.
	Valve tops and needles.

SCHEDULE IV.—(IMPORTS TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Value	Duty.
	Other Articles, unmanufactured and manufactured—*contd.*		Rs. A.	
42	IVORY AND IVORY-WARE—			
	Unmanufactured—			
	Elephants' grinders	cwt	350 0	Five per cent.
	" tusks (other than hollows, centres, and points) each exceeding 20lb in weight; and hollows, centres, and points each weighing 10lb and over	"	950 0	"
	Elephants' tusks (other than hollows, centres, and points) not less than 10lb and not exceeding 20lb each, and hollows, centres, and points each weighing less than 10lb ...	"	850 0	"
	Elephants' tusks, each less than 10lb (other than hollows, centres and points)	"	550 0	"
	Sea-cow or moye teeth, each not less than 4lb	"	250 0	"
	" " " 3lb and under 4lb ...	"	215 0	"
	" " " less than 3lb...	"	150 0	"
	All other sorts, manufactured and unmanufactured ...	...	*ad valorem*	"
43	JEWELLERY AND JEWELS, including plate and other manufactures of gold and silver—			
	Silver-ware, plain ... ... } other than European	tola	1 2	"
	" embossed or chased } other than European	"	1 6	"
	All other sorts, excepts precious stones and pearls, unset, which are free	...	*ad valorem*	"
44	JUTE, raw	"	...	Free.
	" articles made of, except second-hand or used gunny bags, which are free	...	*ad valorem*	Five per cent.
45	LEATHER, and articles made of leather, including boots and shoes, harness and saddlery, except saddlery of a military pattern imported by an officer of His Majesty's regular forces and forming part of the equipment with which he is required to supply himself under Army Regulations, which is free ...	...	"	"
46	MALT...	...	"	"
47	MANURES of all kinds, including animal bones	...	...	Free.
48	OILCAKE, also bran, fodder, and cattle-food of all kinds ...	...	...	"
49	OIL-CLOTH AND FLOOR-CLOTH, including lincrusta, linoleum, and tarpaulines.	...	*ad valorem*	Five per cent.
50	PAINTS, COLOURS, PAINTERS' MATERIALS, and compositions for application to leather, wood, and metals—			
	Lead, red, dry	cwt	17 0	"
	" white, dry	"	18 0	"
	Ochre, other than European, all colours	"	2 12	"
	Paints, composition	...	*ad valorem*	"
	" patent driers	...	"	"
	Turpentine	Imperial gallon.	3 0	"
	Verdigris	...	*ad valorem*	"
	Vermillion, Canton	box of 90 bundles.	105 0	"
	Zinc, white, dry	...	*ad valorem*	"
	All other sorts, including glue and putty	...	"	"
51	PAPER, PASTEBOARD, MILLBOARD, AND CARDBOARD of all kinds, including ruled or printed forms and account and manuscript books, labels, advertising circulars, sheet or card almanacs, and calendars, Christmas, Easter, and other cards, including cards in booklet form, including also waste paper and old newspapers for packing, but excluding trade catalogues and advertising circulars imported by packet, book or parcel post, which are free	...	"	"
	" articles made of paper and papier-mâché	...	"	"
52	PERFUMERY—			
	Gowla, husked and unhusked	cwt	40 0	"
	Kapurkachri (zedoary)	"	15 0	"
	Patch leaves (patchouli)	"	19 0	"
	Rose-flowers, dried	"	20 0	"
	Rose-water	Imperial gallon.	2 6	"
	All other sorts, except perfumed spirit (for which see Schedule III)	...	*ad valorem*	"

SCHEDULE IV.—(IMPORT TARIFF)—*contd.*

GENERAL DUTIES—*contd.*

No.	Names of Articles.	Per	Tariff Valuation	Duty.
	Other Articles, unmanufactured and manufactured—*contd.*		Rs. A.	
53	PITCH, TAR, AND DAMMER—			
	Bitumen	...	*ad valorem*	Five per cent.
	Dammer	...	"	"
	Pitch, American and European	...	"	"
	" coal	...	"	"
	Tar, American and European	...	"	"
	" coal	...	"	"
	" mineral	...	"	"
54	PLANTS AND BULBS, living, also dried for herbaria	...	...	Free.
55	PRECIOUS STONES AND PEARLS, unset (including the stones generically known as Cambay stones, such as agates, cornelians, and onyx)	...	...	"
56	PULP of wood, straw, rags, paper, and other materials ...	...	...	"
57	PRINTING AND LITHOGRAPHING MATERIAL, namely, presses, type, ink, brass rules, composing sticks, chases, imposing tables, and lithographic stones, sterio-blocks, roller moulds, roller frames and stocks, roller composition, standing screw and hot presses, perforating machines, gold blocking presses, stereotyping apparatus, metal furniture, paper folding machines and paging and numbering machines, but not including paper ...	...	...	"
58	RAGS	...	...	"
59	RACKS for the withering of tea leaf	...	...	"
60	RAILWAY MATERIAL for permanent-way and rolling-stock, namely, cylinders, girders, and other material for bridges, rails, sleepers, bearing and fish-plates, fish-bolts, chairs, spikes, crossings, sleeper fastenings, switches, interlocking apparatus, brake gear, couplings and springs, signals, turn tables, weigh-bridges, engines, tenders, carriages, wagons, traversers, trollies, trucks, and component parts thereof; also the following articles when imported by or under the orders of a railway company, namely, cranes, water cranes, water tanks, and standards, wire and other materials for fencing: Provided that for the purpose of this exemption "railway" means a line of railway subject to the provisions of the Indian Railways Act, 1890, and includes a railway constructed in a Native State, under the suzerainty of His Majesty, and also such tramways as the Governor General in Council may, by notification in the *Gazette of India*, specifically include therein	...	...	"
61	SEEDS—except oil-seeds imported into British India by sea from the territories of any Native Prince or Chief in India which are free—			
	All sorts	...	*ad valorem*	Five per cent.
62	SHELLS AND COWRIES—			
	Chanks—large shells, for cameos	...	"	"
	" white, live	...	"	"
	" " dead	...	"	"
	Cowras	...	"	"
	Cowries, bazar, common	cwt	3 12	"
	" yellow, superior quality	"	5 0	"
	" Maldive	"	5 8	"
	" sankhla	"	70 0	"
	Mother of-pearl, nacre	...	...	Free.
	Nakhla	cwt	100 0	Five per cent.
	Tortoise-shell...	lb	12 0	"
	" nakh	"	5 0	"
	All other sorts, including articles made of shell, not otherwise described	...	*ad valorem*	"
63	SHIPS AND OTHER VESSELS for inland and harbour navigation, including steamers, launches, boats, and barges, imported entire or in sections	...	...	Free.

SCHEDULE IV.—(IMPORT TARIFF)—*concld.*

GENERAL DUTIES—*concld.*

No.	Names of Articles.	Per	Tariff Valuation.	Duty.
	Other Articles, unmanufactured and manufactured—*concld.*		Rs. A.	
64	SILK AND ARTICLES MADE OF SILK—			
	Bokhara	℔	9 0	Five per cent.
	Floss	...	*ad valorem*	"
	Piece-goods	...	"	"
	Sewing thread, China	...	"	"
	Raw silk—Chaharam, Indo-China, and yellow Shanghai ...	℔	5 0	"
	Mathow	"	2 12	"
	Other kinds of China including re-reeled silk ...	"	6 8	"
	Waste and Kachra	...	*ad valorem*	"
	Panjam	℔	2 0	"
	Persian	"	4 8	"
	Siam	"	2 4	"
	All other sorts, including cocoons	...	*ad valorem*	"
65	SOAP	...	"	"
66	SPECIMENS ILLUSTRATIVE OF NATURAL SCIENCE, including also antique coins and medals.	...	...	Free.
67	STATIONERY, excluding paper (for which see No. 51) ...	...	*ad valorem*	Five per cent.
68	STONE AND MARBLE, and articles made of stone and marble ...	...	"	"
69	TALLOW AND GREASE, including stearine	...	"	"
70	TEA CHESTS of metal or wood, whether imported entire or in sections, provided that the Customs Collector is satisfied that they are imported for the purpose of the packing of tea for transport in bulk.	...	...	Free.
71	TEXTILE FABRICS not otherwise described	...	*ad valorem*	Five per cent.
72	TOILET REQUISITES not otherwise described	...	"	"
73	TOYS, including toy-books, and requisites for all games ...	...	"	"
74	UMBRELLAS, parasols, and sun-shades of all kinds	...	"	"
75	WALKING STICKS and sticks for umbrellas, parasols, and sun-shades, of all kinds, mounted and unmounted, driving, riding and other whips, fishing rods and lines	...	"	"
76	WOOD AND TIMBER (except fire-wood, which is free), and articles made of wood not otherwise described	...	"	"
77	WOOL, raw	...	...	Free.
	" articles made of, including felt	...	*ad valorem*	Five per cent.
78	ALL OTHER ARTICLES, manufactured or unmanufactured, not described in this Schedule.	...	"	"

TELEGRAPHS.

POST OFFICE.

The 18*th December* 1908.

No. 11460-244.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Governor General in Council is pleased to direct that the following amendments shall be made in the rules published in the Notification of the Government of India in this Department, No. 7397-225, dated the 5th August 1898, namely :—

Rule 98.—For the words "Urgent" and "Deferred" which are entered opposite the rates specified in this rule, substitute "Express" and "Ordinary," respectively.

Rule 133.—For the words "Urgent" and "Deferred" which are entered opposite the rates specified in this rule, substitute "Express" and "Ordinary," respectively.

EXPLOSIVES.

The 18th December 1908.

No. 11530-45.—In accordance with the provisions of section 18 of the Indian Explosives Act, 1884 (IV of 1884), and of the Notification of the Government of India in the Home Department, No. 1964, dated the 2nd September 1887, the Governor General in Council is pleased to publish for general information the following amendments which His Excellency in Council, in exercise of the powers conferred by section 5 of the said Act, proposes to make in the rules to regulate the transport and importation of explosives, published with the Notification in this Department, No. 4555-4 (Explosives), dated the 31st May 1907.

The draft will be taken into consideration by the Governor General in Council on the expiration of two months from the date of publication of this Notification in the *Gazette of India.*

Draft amendments.

In Rule 25—

(*a*) the following shall be inserted after the first sentence :—

"Explosives, other than those referred to in Rule 18, which have undergone the test prescribed by the rules made by the Governor of the Straits Settlements in Council under the Explosives Ordinance, 1899, to regulate the manufacture, use, sale, storage, transport, importation and exportation of explosive substances, may be imported by sea from Penang into the port of Victoria Point under a license granted under Rule 20 without re-testing, but subject, in the case of such explosives as are mentioned in Rule 13, Clause IX, to the production of a certificate as provided by the Rule in force in the Straits Settlements" ;

(*b*) the following shall be inserted after the second paragraph :—

"Explosives, other than those referred to in Rule 18, which have already undergone the test prescribed by Rules 22 and 23 at the port of Rangoon, may also be re-imported into the ports of Akyab, Sandoway, Kyaukpyu, Tavoy, Mergui or Victoria Point, under a license granted under Rule 17 without re-testing, but subject to the conditions laid down in the foregoing paragraphs of this Rule relating to the production of a certificate in the case of explosives mentioned in Rule 13, Clause IX."

B. ROBERTSON,

Secretary to the Government of India.

ARMY DEPARTMENT.

Fort William, the 18th December 1908.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

1st Punjab Volunteer Rifles.

No. 1021.—John Cahill Byrne to be Second-Lieutenant, to fill an existing vacancy. Dated 15th November 1908.

North-Western Railway Volunteer Rifles.

No. 1024.—In Army Department Notification No. 760 of 1908 for "Nicholl" read "Nicolls."

H. M. P. HAWKES,

Offg. Secretary to the Government of India.

FROM THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED DECEMBER 19, 1908.

No. $\frac{26}{214-4}$ F.

GOVERNMENT OF INDIA.

DEPARTMENT OF REVENUE AND AGRICULTURE.

FORESTS.

Dated Calcutta, the 12th December 1908.

RESOLUTION.

WITH the sanction of His Majesty's Secretary of State, the Governor-General in Council is pleased to direct that in future all Conservators of Forests who have rendered not less than three years' effective service in any grade may, provided they have shown special energy and efficiency during such service, be allowed by the Government of India an additional pension of Rs. 1,000 per annum, under article 475 of the Civil Service Regulations (4th edition), subject to the condition that if a Conservator has served only in the Second or Third grade, he must have completed 28 years' total qualifying service in order to be eligible for the concession.

2. The orders contained in this Resolution will have effect from the 27th September 1908.

3. The necessary additions will be made to article 475 of the Civil Service Regulations.

Madras.
Bombay.
Bengal.
United Provinces.
Punjab.
Burma.

Eastern Bengal and Assam.
Central Provinces.
Coorg.
Ajmer.
Baluchistan.
North-West Frontier Province.

Superintendent, Port Blair.

ORDERED that a copy of the above Resolution be forwarded, for information and guidance, to the Local Governments and Administrations noted in the margin, the Inspector-General of Forests, and the Comptroller, India Treasuries.

Ordered also that a copy be forwarded to the Finance Department, for information and necessary action, and that the Resolution be published in the Supplement to the *Gazette of India.*

R. W. CARLYLE,

Secretary to the Government of India.

Punjab Government Press, Lahore—25-12-08—800

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JANUARY 17, 1908.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 3rd January, 1908, and is hereby promulgated for general information :—

ACT NO. I OF 1908.

An Act further to amend the Legal Practitioners Act, 1879.

II of 79. WHEREAS it is expedient further to amend the Legal Practitioners Act, 1879; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Legal Practitioners (Amendment) Act, 1908.

II of 79. Amendment of section 4 of Act XVIII of 1879.

2. In section 4 of the Legal Practitioners Act, 1879, the following amendments shall be made, namely :—

(*a*) after the words "this Act" the words "or enrolled as a Pleader in the Chief Court of the Punjab under section 8 of this Act" shall be inserted; and

(*b*) after the words "no such Vakil" the words "or Pleader" shall be added.

Addition to section 7 of Act XVIII of 1879.

3. To section 7 of the said Act the following shall be added, namely :—

"Provided that, on the admission as a Pleader of any person who has been previously entered as a Vakil or Attorney on the roll of a High Court established by Royal Charter, the High Court may in its discretion issue to such person a certificate authorising him to practise permanently in the Courts and in the offices specified therein, and a certificate so issued shall not require to be renewed under this section."

Amendment of section 25 of Act XVIII of 1879.

4. To section 25 of the said Act the following shall be added namely :—

"Provided also that no stamped paper shall be required in the case of a certificate whether original or renewed authorising, under section 7, a Vakil or Attorney on the roll of a High Court established by Royal Charter to practise as a Pleader."

Amendment of section 38 of Act XVIII of 1879.

5. In section 38 of the said Act, "7," shall be added after "5," and "25," after "16."

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 3rd January, 1908, and is hereby promulgated for general information :—

ACT NO. II OF 1908.

An Act further to amend the Indian Tariff Act, 1894.

of 1894. WHEREAS it is expedient further to amend the Indian Tariff Act, 1894; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Tariff (Amendment) Act, 1908.

Amendment of Schedule III of Act VIII of 1894.

2. In No. 1 of Schedule III of the Indian Tariff Act, 1894, as amended by the Indian Tariff Act (1894) Amendment Act, 1896, "annas 2" shall be substituted for "anna 1" in the fourth column as the rate of duty to be levied and collected per Imperial gallon or six quart bottles of ale, beer, porter, cider and other fermented liquors. VIII of 1894. III of 1896.

STATEMENT OF OBJECTS AND REASONS.

The present rate of duty on beer and other fermented liquors, whether imported or manufactured in the country, is one anna per gallon. The tariff rate has remained unaltered since 1863, and the excise duty since 1890, when it was first imposed. The rate of taxation is relatively inadequate, in view of the greatly enhanced taxation to which spirit, both country and imported, has in recent years been subjected. Moreover, as shown by the declared value of imports, a large quantity of the beer which comes into India from abroad pays less, at one anna a gallon, in proportion to its value than it would do under the ordinary tariff rate of 5 per cent *ad valorem.* Recently the Indian Excise Committee have recommended that the duty on beer and other fermented liquors should be raised from one anna to two annas per gallon, and the object of this Bill is to give effect to that recommendation.

E. N. BAKER.

The 3rd January, 1908.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JANUARY 17, 1908.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 3rd January, 1908:—

No. I of 1908.

THE INDIAN LIMITATION BILL.

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[3.] 2. Definitions.

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n. 2.] 5. Extension of period in certain cases.
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THE THIRD SCHEDULE—ENACTMENTS REPEALED.

The Indian Limitation Bill.

(Part I.—Preliminary.—Secs. 1-2.—Part II.—Limitation of Suits, Appeals and Applications.—Secs. 3-5.)

The bracketted marginal references relate to sections of the Indian Limitation Act, 1877.

A Bill to consolidate and amend the law for the Limitation of Suits, and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

[S 1.] Short title extent and commencement.

1. (*1*) This Act may be called the Indian Limitation Act, 190 .

(*2*) It extends to the whole of British India; and

(*3*) *This section and section 33 shall come into force at once. The rest of* this Act shall come into force on the first day of *January, 1909.**

[S 3.] Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "bill of exchange" includes also a hundi and a cheque:

(*2*) "bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

(*3*) "easement" includes also a right, not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing in, or attached to, or subsisting upon, the land of another:

(*4*) "foreign country" means any country other than British India:

(*5*) "good faith:" nothing shall be deemed to be done in good faith which is not done with due care and attention:

(*6*) *"moveable property" includes growing crops:*

(*7*) "plaintiff" includes also any person from or through whom a plaintiff derives his right to sue; "applicant" includes also any person from or through whom an applicant derives his right to apply; and "defendant" includes also any person from or through whom a defendant derives his liability to be sued:

(*8*) "promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

(*9*) "suit" does not include an appeal or an application:

(*10*) "trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrongdoer in possession without title.

* This is the date proposed for the commencement of the new Civil Procedure Code Bill.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Dismissal of suits, etc., instituted, etc., after period of limitation. [S. 4.]

3. Subject to the provisions contained in sections 4 to 27 (inclusive), every suit instituted, appeal preferred, and application made, after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is made; and, in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

Illustrations.

(*a*) A suit is instituted after the prescribed period of limitation. Limitation is not set up as a defence and judgment is given for the plaintiff. The defendant appeals. The Appellate Court shall dismiss the suit.

(*b*) An appeal presented after the prescribed period is admitted and registered. The appeal shall be dismissed.

Where Court is closed when period expires. [S. 5, para. 1.]

4. Where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day that the Court re-opens.

Extension of period in certain cases. [S. 5, para. 2.]

5. Any appeal or application for a review of judgment *or any other application to which this section may be made applicable by the Code of Civil Procedure* may be admitted after the period of limitation

The Indian Limitation Bill.

(Part II.—Limitation of Suits, Appeals and Applications.—Secs. 6-11.)

prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

[S. 5A.] 6. Wherever it is shown to the satisfaction of the Court that an appeal or an application for a review of judgment was presented after the expiration of the period of limitation prescribed for such appeal or application owing to the appellant or applicant having been misled by any order, or practice, or judgment of the High Court of the Presidency, Province or District, such appeal or application, if otherwise in accordance with law, shall for all purposes be deemed by all Courts to have been presented within the period of limitation prescribed therefor.

Limitation for certain appeals or applications for review of judgment.

[S. 7.] 7. (*1*) Where a person entitled to institute a suit or make an application is, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the first schedule.

Legal disability.

(*2*) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

Double and successive disabilities.

(*3*) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

(*4*) Where such representative is at the date of the death affected by any such disability, the rules contained in sub-sections (*1*) and (*2*) shall apply.

Illustrations.

(*a*) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accruer. He may institute his suit at any time within three years from the date of his attaining majority.

(*b*) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under this section and section 9 an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(*c*) A right to sue accrues to Z during his minority. After the accruer, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(*d*) A right to sue accrues to X during his minority. X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

(*e*) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accruer A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under this section read with section 9.

(*f*) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. This section read with section 9 does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

8. Where one of several joint-creditors or claimants *or one of several persons jointly entitled to make an application* is under any such disability, and a discharge can be given without the concurrence of such person, time will run against them all: but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others. [S.

Disability of one joint creditor.

Illustrations.

(*a*) A incurs a debt to a firm of which B, C and D are partners. B is insane, and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(*b*) A incurs a debt to a firm of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

9. Nothing in *section 7 or in section 8* applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made. [S.

Special exceptions.

10. Where once time has begun to run, no subsequent disability or inability to sue stops it: [S.

Continuous running of time.

Provided that, where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

11. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representa- [S.

Suits against express trustees and their representatives.

The Indian Limitation Bill.

(Part II.—Limitation of Suits, Appeals and Applications.—Sec. 12.—Part III.—Computation of Period of Limitation.—Secs. 13-19.)

tives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, *or the proceeds thereof, or for an account of such property or proceeds*, shall be barred by any length of time.

[S. 11.] 12. (*1*) Suits instituted in British India on contracts entered into in a foreign country are subject to the rules prescribed by this Act.

Suits on foreign contracts.

(*2*) No foreign rule of limitation shall be a defence to a suit instituted in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract and the parties were domiciled in such country during the period prescribed by such rule.

Foreign limitation law.

PART III

COMPUTATION OF PERIOD OF LIMITATION.

[S. 12.] 13. (*1*) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

Exclusion of day on which right to sue accrues.

(*2*) In computing the period of limitation prescribed for an appeal, an application for leave to appeal as a pauper, and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded.

Exclusion in case of appeals and certain applications.

(*3*) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

(*4*) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

[S. 13.] 14. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India shall be excluded.

Exclusion of time of defendant's absence from British India.

[S. 14.] 15. (*1*) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

Exclusion of time of proceeding *bona fide* in Court without jurisdiction.

(*2*) In computing the period of limitation prescribed for any application, the time during which the applicant has been making another application for the same relief shall be excluded, where the last-mentioned application is made in good faith to a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to grant it.

Like exclusion in case of application.

Explanation 1.—In excluding the time during which a former suit or application was pending or being made, the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

Explanation 2.—A plaintiff resisting an appeal presented on the ground of want of jurisdiction shall be deemed to be prosecuting a suit within the meaning of this section.

16. In computing the period of limitation prescribed for any suit, *or application for the execution of a decree, the institution or execution* of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded. [S. 15.]

Exclusion of time during which institution of suit *or execution of decree* is stayed by injunction or order.

17. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which the judgment-debtor has been prosecuting a proceeding to set aside the sale shall be excluded. [S. 16.]

Exclusion of time during which judgment-debtor is attempting to set aside execution-sale.

18. *In computing the period of limitation prescribed for any suit against the Secretary of State for India in Council, or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, where, previous to the institution of the suit, the notice in writing required by the provisions of the Code of Civil Procedure in that behalf has been delivered or left in pursuance of the said provisions, the two months next after the said notice was so delivered or left shall be excluded.* [New.]

Exclusion of period of notice in suit against Secretary of State.

19. (*1*) Where a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall [S. 17.]

Effect of death before right to sue accrues.

The Indian Limitation Bill.

(*Part III.—Computation of Period of Limitation.—Secs. 20-24.*)

be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(*2*) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(*3*) Nothing in sub-section (*1*) applies to suits to enforce rights of pre-emption or to suits for the possession of immoveable property or of an hereditary office.

[S. 18.] 20. Where any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded,

Effect of fraud.

or where any document necessary to establish such right has been fraudulently concealed from him,

the time limited for instituting a suit or making an application—

(*a*) against the person guilty of the fraud or accessory thereto, or

(*b*) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when he first had the means of producing it or compelling its production.

[S. 19.] 21. (*1*) Where before the expiration of the period prescribed for a suit or application, *including an application for the execution of a decree*, in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a new period of limitation according to the nature of the original liability, shall be computed from the time when the acknowledgment was so signed.

Effect of acknowledgment in writing.

(*2*) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but oral evidence of its contents shall not be received.

Explanation 1.—For the purposes of this section an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation 2.—In this section "signed" means signed either personally or by an agent duly authorized in this behalf.

[S. 22. (*1*) Where interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf,

Effect of payment of interest as such.

or where part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

Effect of part-payment of principal.

a new period of limitation, according to the nature of the original liability, shall be computed from the time when the payment was made:

Provided that, in the case of part payment of the principal of a debt, the fact of the payment appears in the handwriting of the person making the same.

(*2*) Where mortgaged land is in the possession of the mortgagee, the receipt of the *rent or* produce of such land shall be deemed to be a payment for the purpose of subsection (*1*).

Effect of receipt of produce of mortgaged land.

Explanation.—Debt includes money payable under a decree of Court.

23. (*1*) *The expression "agent duly authorized in this behalf", in sections 21 and 22, shall, in the case of a person under disability, include his lawful guardian or manager, or an agent duly authorized by such guardian or manager to sign the acknowledgment or make the payment.*

Agent to include guardian or manager of person under disability.

[S (*2*) Nothing in *the said* sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed, or of a payment made by, or by the agent of, any other or others of them.

One of several joint contractors, etc., not chargeable by reason of acknowledgment or payment made by another of them.

[S. 1.] 24. (*1*) Where, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

Effect of substituting or adding new plaintiff or defendant.

(*2*) *Nothing in sub-section (1) shall apply to a case where a party is added or substituted*

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(Part III.—Computation of Period of Limitation.—Secs. 25-27.—Part IV.—Acquisition of Ownership by Possession.—Secs. 28-29)

owing to an assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.

[S. 23.] Continuing breaches and wrongs. 25. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

[S. 24.] Suit for compensation for act not actionable without special damage. 26. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

Illustrations.

(*a*) A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

(*b*) A speaks and publishes of B slanderous words not actionable in themselves without special damage caused thereby. C in consequence refuses to employ B as his clerk. The period of limitation in the case of a suit by B against A for compensation for the slander does not commence till the refusal.

[S. 25.] Computation of time mentioned in instruments. 27. All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar.

Illustrations.

(*a*) A Hindu makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiration of four months after date computed according to the Gregorian calendar.

(*b*) A Hindu makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiration of one year after date computed according to the Gregorian calendar.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

[S. 26.] Acquisition of right to easements. 28. (*1*) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith, as an easement, and as of right, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right, without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

Acquisition of easement against Government. (*2*) *Where the property over which a right is claimed under sub-section (1) belongs to Government, that sub-section shall be read as if for the words "twenty years" the words "sixty years" were substituted.*

Explanation.—Nothing is an interruption within the meaning of this section unless, where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Illustrations.

(*a*) A suit is brought in 1911 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption from 1st January, 1890, to 1st January, 1910. The plaintiff is entitled to judgment.

(*b*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff, on one occasion during the twenty years, had asked his leave to enjoy the right. The suit shall be dismissed.

Exclusion in favour of reversioner of servient tenement. 29. Where any land or water upon over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water. [S. 27.]

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

The Indian Limitation Bill.

(Part IV.—Acquisition of Ownership by Possession—Sec. 30.—Part V.—Savings and Repeals.—Secs. 31-34.)

[S. 28.] 30. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

Extinguishment of right to property.

PART V.

SAVINGS AND REPEALS.

S. 1, 2, 6.] 31. (*1*) *Nothing in this Act shall—*

Savings.

IX of 1872. (*a*) affect the Indian Contract Act, 1872, section 25;

(*b*) affect or alter any period of limitation specially prescribed for any suit, appeal or application by any special or local law now or hereafter in force in British India.

(*2*) Nothing contained in sections 2 and 34 or in Parts II and III shall apply—

IV of 1869. (*a*) to suits under the Indian Divorce Act, or

VI of 1831. (*b*) to suits under the Madras Hereditary Offices Regulation, 1831.

[New.] (*3*) *Sections 28 and 29 and the definition of "easement" in section 2 shall not apply to cases arising in territories to which the Indian Easements Act, 1882, may, for the time being, extend.* [1882.

[New.] 32. *Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Act is shorter than the period of limitation prescribed by the Indian Limitation Act, 1877, may be instituted within the period of two years next after the passing of this Act, or within the period prescribed for such suit by the Indian Limitation Act, 1877, whichever period expires first.*

Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877.

XV of 1877.

33. (*1*) *Notwithstanding anything herein contained, in the territories mentioned in the second schedule a suit for foreclosure or for sale by a mortgagee, may be instituted within two years from the date of the passing of this Act, or within sixty years from the date when the money secured by the mortgage became due, whichever period expires first: and no such suit in the said territories instituted within the said period of sixty years and pending at the date of the passing of this Act shall be dismissed on the ground of limitation.*

Provision for suits by certain mortgagees in territories mentioned in the second schedule.

(*2*) *In the aforesaid territories a suit of the nature mentioned in sub-section (1) which has been dismissed solely on the ground of limitation after the twenty-second day of July 1907, may be restored on an application in writing to the Court which dismissed the suit, provided the application is preferred within ninety days from the date of the passing of this Act: and on such restoration, the provisions of sub-section (1) shall apply to the suit.*

34. *The enactments mentioned in the third schedule are repealed to the extent specified in the fourth column thereof.*

Repeals.

The Indian Limitation Bill.

(The First Schedule.—First Division: Suits.)

The bracketted marginal references are to articles in the second schedule of the Limitation Act, 1877.

THE FIRST SCHEDULE.

(*See Section 3.*)

FIRST DIVISION: SUITS.

	Description of suit.	Period of limitation.	Time from which period begins to run.
		Part I.—Thirty days.	
[Art. 1.] XXIII of 1863.	1.—To contest an award of the Board of Revenue under the Waste Lands (Claims) Act, 1863.	Thirty days	When notice of the award is delivered to the plaintiff.
		Part II.—Ninety days.	
[Art. 2.]	2.—For compensation for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in British India.	Ninety days	When the act or omission takes place.
		Part III.—Six months.	
[Art. 3.] I of 1877.	3.—Under the Specific Relief Act, 1877, section 9, to recover possession of immoveable property.	Six months	When the dispossession occurs.
[Art. 4.] IX of 1860.	4.—Under the Employers and Workmen (Disputes) Act, 1860, section 1.	Ditto .	When the wages, hire or price of work claimed accrue or accrues due.
[Art. 5.]	5.—Under the Code of Civil Procedure *when triable summarily.*	Ditto .	When the *debt* becomes payable *or land recoverable or the breach of trust occurs.*
		Part IV.—One year.	
[Art. 6.]	6.—Upon a Statute, Act, Regulation or Bye-law, for a penalty or forfeiture.	One year .	When the penalty or forfeiture is incurred.
[Art. 7.]	7.—For the wages of a household servant, artisan or labourer not provided for by this schedule, No. 4.	Ditto . .	When the wages accrue due.
[Art. 8.]	8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging-house.	Ditto .	When the food or drink is delivered.
[Art. 9.]	9.—For the price of lodging	Ditto .	When the price becomes payable.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.	
	Part IV.—One year—contd.		
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	One year .	When the purchaser takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.	[Art. 10.]
11.—By a person, against whom any of the following orders has been made to establish his right to the property comprised in the order: *(1) Order under the Code of Civil Procedure on a claim preferred to, or an objection made to the attachment of, property attached in execution of a decree;* *(2) Order under section 28 of the Presidency Small Cause Courts Act, 1882.*	Ditto .	The date of the order.	[Art. 11.]
11a.—By a person against whom an order has been made under the Code of Civil Procedure, upon an application by the holder of a decree for the possession of immoveable property or by the purchaser of such property sold in execution of a decree, complaining of resistance or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser, to establish his right to the present possession of the property comprised in the order.	Ditto .	*The date of the order.*	XV of 1882. [Cf. A . 11.]

The Indian Limitation Bill.

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

	Description of suit.	Period of limitation.	Time from which period begins to run.
		Part IV.—One year—contd.	
[Art. 12.]	12.—To set aside any of the following sales:— (*a*) sale in execution of a decree of a Civil Court; (*b*) sale in pursuance of a decree or order of a Collector or other officer of revenue; (*c*) sale for arrears of Government revenue, or for any demand recoverable as such arrears; (*d*) sale of a patni taluq sold for current arrears of rent. *Explanation.*—In this clause "patni" includes any intermediate tenure saleable for current arrears of rent.	One year .	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
[Art. 13.]	13.—To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	Ditto .	The date of the final decision or order in the case by a Court competent to determine it finally.
[Art. 14.]	14.—To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.	Ditto .	The date of the act or order.
[Art. 15.]	15.—Against Government to set aside any attachment, lease or transfer of immoveable property by the revenue-authorities for arrears of Government revenue.	Ditto .	When the attachment, lease or transfer is made.
[Art. 16.]	16.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue-authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Ditto .	When the payment is made.
[Art. 17.]	17.—Against Government for compensation for land acquired for public purposes.	Ditto .	The date of determining the amount of the compensation.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.	
	Part IV.—One year—contd.		
18.—Like suit for compensation when the acquisition is not completed.	One year .	The date of the refusal to complete.	[Art. 18.]
19.—For compensation for false imprisonment.	Ditto .	When the imprisonment ends.	[Art. 19.]
20.—By executors, administrators or representatives under the Legal Representatives' Suits Act, 1855.	Ditto .	The date of the death of the person wronged.	[Art. 20.]
21.—By executors, administrators or representatives under the Indian Fatal Accidents Act, 1855.	Ditto .	The date of the death of the person killed.	[Art. 21.] XII of [illegible]
22.—For compensation for any other injury to the person.	Ditto .	When the injury is committed.	[Art. 22.] XIII of [illegible]
23.—For compensation for a malicious prosecution.	Ditto .	When the plaintiff is acquitted, or the prosecution is otherwise terminated.	[Art. 23.]
24.—For compensation for libel.	Ditto .	When the libel is published.	[Art. 24.]
25.—For compensation for slander.	Ditto .	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.	[Art. 25.]
26.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto .	When the loss occurs.	[Art. 26.]
27.—For compensation for inducing a person to break a contract with the plaintiff.	Ditto .	The date of the breach.	[Art. 27.]
28.—For compensation for an illegal, irregular or excessive distress.	Ditto .	The date of the distress.	[Art. 28.]
29.—For compensation for wrongful seizure of moveable property under legal process.	Ditto .	The date of the seizure.	[Art. 29.]
30.—Against a carrier for compensation for losing or injuring goods.	Ditto .	When the loss or injury occurs.	[Art. 30.]

The Indian Limitation Bill.

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

	Description of suit.	Period of limitation.	Time from which period begins to run.
		Part IV.—One year—concld.	
[Art. 31.]	31.—Against a carrier for compensation for non-delivery of, or delay in delivering, goods.	One year	When the goods ought to be delivered.
		Part V.—Two years.	
[Art. 32.]	32.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Two years	When the perversion first becomes known to the person injured thereby.
[Art. 33.] XII of 1855.	33.—Under the Legal Representatives' Suits Act, 1855, against an executor.	Ditto	When the wrong complained of is one.
[Art. 34.]	34.—Under the same Act against an administrator.	Ditto	Ditto.
[Art. 35.]	35.—Under the same Act against any other representative.	Ditto	Ditto.
[Art. 36.]	36.—For compensation for any malfeasance, misfeasance or non-feasance independent of contract and not herein specially provided for.	Ditto	When the malfeasance, misfeasance or non-feasance takes place.
		Part VI.—Three years.	
[Art. 37.]	37.—For compensation for obstructing a way or a watercourse.	Three years	The date of the obstruction.
[Art. 38.]	38.—For compensation for diverting a water-course.	Ditto	The date of the diversion.
[Art. 39.]	39.—For compensation for trespass upon immoveable property.	Ditto	The date of the trespass.
[Art. 40.]	40.—For compensation for infringing copyright or any other exclusive privilege.	Ditto	The date of the infringement.
[Art. 41.]	41.—To restrain waste	Ditto	When the waste begins.
[Art. 42.]	42.—For compensation for injury caused by an injunction wrongfully obtained.	Ditto	When the injunction ceases.
[Art. 43.] X of 1865. V of 1881.	43.—Under the Indian Succession Act, 1865, section 320 or 321, or under the Probate and Administration Act, 1881, section	Ditto	The date of the payment or distribution.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.	
139 or 140, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	*Part VI—Three years—contd.*		
44.—By a ward who has attained majority, to set aside a *transfer of property* by his guardian.	Three years	When the ward attains majority.	[Art. 44.]
45.—To contest an award under any of the following Regulations of the Bengal Code:—	Ditto	The date of the final award or order in the case.	[Art. 45.]
The Bengal Land-revenue Settlement Regulation, 1822.			VII of 1822.
The Bengal Land-revenue Settlement Regulation, 1825.			IX of 1825.
The Bengal Land-revenue (Settlement and Deputy Collectors) Regulation, 1833.			IX of 1833.
46.—By a party bound by such award to recover any property comprised therein.	Ditto	The date of the final award or order in the case.	[Art. 46.]
47.—By any person bound by an order respecting the possession of property made under the Code of Criminal Procedure, 1898, Chapter XII, or the Bombay Mamlatdars' Courts Act, or by any one claiming under such person, to recover the property comprised in such order.	Ditto	The date of the final order in the case.	A V of 1898 Bom. III of 1876.
48.—For specific moveable property lost, or acquired by theft, or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.	Ditto	When the person having the right to the possession of the property first learns in whose possession it is.	[Art. 48.]
49.—For other specific moveable property, or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Ditto	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.	[Art. 49.]

The Indian Limitation Bill.

(*The First Schedule.—First Division: Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

	Description of suit.	Period of limitation.	Time from which period begins to run.	
		Part VI.—Three years— contd.		
[Art. 50.]	50.—For the hire of animals, vehicles, boats or household furniture.	Three years.	When the hire becomes payable.	
[Art. 51.]	51.—For the balance of money advanced in payment of goods to be delivered.	Ditto .	When the goods ought to be delivered.	
[Art. 52.]	52.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Ditto .	The date of the delivery of the goods.	
	53.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto .	When the period of credit expires.	
[Art. 54.]	54.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto .	When the period of the proposed bill elapses.	
[Art. 55.]	55.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto .	The date of the sale.	
[Art. 56.]	56.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Ditto .	When the work is done.	
[Art. 57.]	57.—For money payable for money lent.	Ditto .	When the loan is made.	
[Art. 58.]	58.—Like suit when the lender has given a cheque for the money.	Ditto .	When the cheque is paid.	
[Art. 59.]	59.—For money lent under an agreement that it shall be payable on demand.	Ditto .	When the loan is made.	
[Art. 60.]	60.—For money deposited under an agreement that it shall be payable on demand, *including money of a customer in the hands of his banker so payable.*	Ditto .	When the demand is made.	
[Art 61.]	61.—For money payable to the plaintiff for money paid for the defendant.	Ditto .	When the money is paid.	
		Part VI—Three years— contd.		
	62.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Three years	When the money is received.	[Art.
	63.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto .	When the interest becomes due.	[Art.
	64.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto .	When the accounts are stated in writing signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.	[Art.
	65.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto .	When the time specified arrives or the contingency happens.	[Art.
	66.—On a single bond, where a day is specified for payment.	Ditto .	The day so specified.	[Art.
	67.—On a single bond, where no such day is specified.	Ditto .	The date of executing the bond.	[Art.
	68.—On a bond subject to a condition.	Ditto .	When the condition is broken.	[Art.
	69.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto .	When the bill or note falls due.	[Art.
	70.—On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Ditto .	When the bill is presented.	[Art.
	71.—On a bill of exchange accepted payable at a particular place.	Ditto .	When the bill is presented at that place.	[Art.
	72.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto .	When the fixed time expires.	[Art.

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(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

	Description of suit.	Period of limitation.	Time from which period begins to run.
		*Part VI.—Three years—*contd.	
[Art. 73.]	73.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Three years	The date of the bill or note.
[Art. 74.]	74.—On a promissory note or bond payable by instalments.	Ditto .	The expiration of the first term of payment as to the part then payable; and, for the other parts, the expiration of the respective terms of payment.
[Art. 75.]	75.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one instalment, the whole shall be due.	Ditto .	When the first default is made, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
[Art. 76.]	76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto .	The date of the delivery to the payee.
[Art. 77.]	77.—On a dishonoured foreign bill, where protest has been made and notice given.	Ditto .	When the notice is given.
[Art. 78.]	78.—By the payee against the drawer of a bill of exchange, which has been dishonoured by non-acceptance.	Ditto .	The date of the refusal to accept.
[Art. 79.]	79.—By the acceptor of an accommodation-bill against the drawer.	Ditto .	When the acceptor pays the amount of the bill.
[Art. 80.]	80.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Ditto .	When the bill, note or bond becomes payable.
[Art. 81.]	81.—By a surety against the principal debtor.	Ditto .	When the surety pays the creditor.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.	
	*Part VI.—Three years—*contd.		
82.—By a surety against a co-surety.	Three years	When the surety pays anything in excess of his own share.	[Art. 82.]
83.—Upon any other contract to indemnify.	Ditto .	When the plaintiff is actually damnified.	[Art. 83.]
84.—By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto .	The date of the termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.	[Art. 84.]
85.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto .	The close of the year in which the last item admitted or proved is entered in the account; such year to be computed as in the account.	[Art. 85.]
86.—On a policy of insurance, when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Ditto .	When proof of the death or loss is given or received to or by the insurers, whether by or from the plaintiff, or any other person.	[Art. 86.]
87.—By the assured to recover premia paid under a policy voidable at the election of the insurers.	Ditto .	Where the insurers elect to avoid the policy.	[Art. 87.]
88.—Against a factor for an account.	Ditto .	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.	[Art. 88.]
89.—By a principal against his agent for moveable property received by the latter and not accounted for.	Ditto .	Ditto.	[Art. 89.]
90.—Other suits by principals against agents for neglect or misconduct.	Ditto .	When the neglect or misconduct becomes known to the plaintiff.	[Art. 90.]

The Indian Limitation Bill.

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

	Description of suit.	Period of limitation.	Time from which period begins to run.
		Part VI.—Three years—contd.	
[Art. 91.]	91.—To cancel or set aside an instrument not otherwise provided for.	Three years	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
[Art. 92.]	92.—To declare the forgery of an instrument issued or registered.	Ditto .	When the issue or registration becomes known to the plaintiff.
[Art. 93.]	93.—To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Ditto .	The date of the attempt.
[Art. 94.]	94.—For property which the plaintiff has conveyed while insane.	Ditto .	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
[Art. 95.]	95.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Ditto .	When the fraud becomes known to the party wronged.
[Art. 96.]	96.—For relief on the ground of mistake.	Ditto .	When the mistake becomes known to the plaintiff.
[Art. 97.]	97.—For money paid upon an existing consideration which afterwards fails.	Ditto .	The date of the failure.
[Art. 98.]	98.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto .	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.
[Art. 99.]	99.—For contribution by a party who has paid the whole *or more than his share of the* amount due under a joint decree, or by a sharer in a joint estate who has paid the whole *or more than his share of the* amount of revenue due from himself and his co-sharers.	Ditto .	The date of the plaintiff's *paying* in excess of his own share.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.	
	Part VI.—Three years—contd.		
Explanation.—The words "paid" and "paying" include a case where money is realized by the compulsory sale of the plaintiff's property.			
100.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Three years	When the right to contribution accrues.	[Art.
101.—For a seaman's wages	Ditto .	The end of the voyage during which the wages are earned.	[Art.
102.—For wages not otherwise expressly provided for by this schedule.	Ditto .	When the wages accrue due.	[Art.
103.—By a Muhammadan for exigible dower (*mu'ajjal*).	Ditto .	When the dower is demanded and refused, or (where during the continuance of the marriage no such demand has been made) when the marriage is dissolved by death or divorce.	[Art.
104.—By a Muhammadan for deferred dower (*mu'wajjal*).	Ditto .	When the marriage is dissolved by death or divorce.	[Art.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto .	When the mortgagor re-enters on the mortgaged property.	[Art.
106.—For an account and a share of the profits of a dissolved partnership.	Ditto .	The date of the dissolution.	[Art.
107.—By the manager of a joint estate of an undivided family for contribution, in respect of a payment made by him on account of the estate.	Ditto .	The date of the payment.	[Art.
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto .	When the trees are cut down.	[Art.

The Indian Limitation Bill.

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

	Description of suit.	Period of limitation.	Time from which period begins to run.
		Part VI.—Three years—contd.	
[Art. 109]	109.—For the profits of immoveable property belonging to the plaintiff which have been wrongfully received by the defendant.	Three years	When the profits are received, or, where the plaintiff has been dispossessed by a decree afterwards set aside on appeal, when he recovers possession.
[Art. 110]	110.—For arrears of rent .	Ditto .	When the arrears become due.
[Art. 111.]	111.—By a vendor of immoveable property *for unpaid purchase-money.*	Ditto .	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
[Art. 112.]	112.—For a call by a company registered under any Statute or Act.	Ditto .	When the call is payable.
[Art. 113.]	113.—For specific performance of a contract.	Ditto .	The date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused.
[Art. 114.]	114.—For the rescission of a contract.	Ditto .	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
[Art. 115.]	115.—For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for.	Ditto .	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.	
	Part VII.—Six years.		
116.—For compensation for the breach of a contract in writing registered *other than suits for arrears of rent.*	Six years .	When the period of limitation would begin to run against a suit brought on a similar contract not registered.	[Art. 116.]
117.—Upon a foreign judgment as defined in the Code of Civil Procedure.	Ditto .	The date of the judgment.	[Art. 117.]
118.—To obtain a declaration that an alleged adoption is invalid, or never, in fact, took place.	Ditto .	When the alleged adoption becomes known to the plaintiff, *or to some person who is a nearer reversionary heir to the person to whom the adoption is alleged to have been made than the plaintiff.*	[Art. 118.]
119.—To obtain a declaration that an adoption is valid.	Ditto .	When the rights of the adopted son, as such, are interfered with.	[Art. 119.]
120.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto .	When the right to sue accrues.	[Art. 120.]
	Part VIII.—Twelve years.		
121.—To avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, or in a patni taluq or other saleable tenure sold for arrears of rent.	Twelve years.	When the sale becomes final and conclusive.	[Art. 121.]
122.—Upon a judgment obtained in British India or a recognisance.	Ditto .	The date of the judgment or recognisance.	[Art. 122.]
123.—For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.	Ditto .	When the legacy or share becomes payable or deliverable.	[Art. 123.

The Indian Limitation Bill.

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

	Description of suit.	Period of limitation.	Time from which period begins to run.
		Part VIII.—Twelve years— contd.	
Art. 124.]	124.—For possession of an hereditary office.	Twelve years.	When the defendant takes possession of the office adversely to the plaintiff. *Explanation.*—An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.
[Art. 125.]	125.—Suit during the life of a Hindu or Muhammadan female by a Hindu or Muhammadan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her re-marriage.	Ditto .	The date of the alienation.
[Art. 126.]	126.—By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.	Ditto .	When the alienee takes possession of the property.
[Art. 127.]	127.—By a person excluded from joint family property, to enforce a right to share therein.	Ditto .	When the exclusion becomes known to the plaintiff.
[Art. 128.]	128.—By a Hindu for arrears of maintenance.	Ditto .	When the arrears are payable.
[Art. 129.]	129.—By a Hindu for a declaration of his right to maintenance.	Ditto .	When the right is denied.
[Art. 130.]	130.—For the resumption or assessment of rent-free land.	Ditto .	When the right to resume or assess the land first accrues.
[Art. 131.]	131.—To establish a periodically recurring right.	Ditto .	When the plaintiff is first refused the enjoyment of the right.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.	
	Part VIII.—Twelve years— contd.		
132.—To enforce payment of money charged upon immoveable property. *Explanation.*—The allowance and fees respectively called *malikana* and *haqqs* shall, for the purpose of this clause, be deemed to be money charged upon immoveable property.	Twelve years.	When the money sued for becomes due.	[Art. 132.]
133.—To recover moveable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depositary or pawnee for a valuable consideration.	Ditto .	The date of the purchase.	[Art. 133.]
134.—To recover possession of immoveable property conveyed or bequeathed in trust or mortgaged and afterwards purchased from the trustee or mortgagee for a valuable consideration.	Ditto .	Ditto.	[Art. 134.]
135.—Suit instituted in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	Ditto .	When the mortgagor's right to possession determines.	[Art. 135.]
136.—By a purchaser at a private sale for possession of immoveable property sold when the vendor was out of possession at the date of the sale.	Ditto .	When the vendor is first entitled to possession.	[Art. 136.]
137.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was out of possession at the date of the sale.	Ditto .	When the judgment-debtor is first entitled to possession.	[Art. 137.]

The Indian Limitation Bill.

(The First Schedule.—First Division: Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

	Description of suit.	Period of limitation.	Time from which period begins to run.
		Part VIII.—Twelve years—contd.	
[Art. 138.]	138.—By a purchaser of land at a sale in execution of a decree, for possession of the purchased land, when the judgment-debtor was in possession at the date of the sale.	Twelve years	The date of the sale.
[Art. 139.]	139.—By a landlord to recover possession from a tenant.	Ditto	When the tenancy is determined.
[Art. 140.]	140.—By a remainderman, a reversioner (other than a landlord) or a devisee, for possession of immoveable property.	Ditto	When his estate falls into possession.
[Art. 141.]	141.—Like suit by a Hindu or Muhammadan entitled to the possession of immoveable property on the death of a Hindu or Muhammadan female.	Ditto	When the female dies.
[Art. 142.]	142.—For possession of immoveable property when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Ditto	The date of the dispossession or discontinuance.
[Art 143.]	143.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of conditi[illegible]	Ditto	When the forfeiture is incurred or the condition is broken.
[Art. 144.]	144.—For possession of immoveable property or any interest therein not hereby otherwise specially provided for.	Ditto	When the possession of the defendant becomes adverse to the plaintiff.
		Part IX.—Thirty years.	
[Art. 145.]	145.—Against a depositary or pawnee to recover moveable property deposited or pawned.	Thirty years	The date of the deposit or pawn.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*concld.*

Description of suit.	Period of limitation.	Time from which period begins to run.	
	Part IX.—Thirty years—contd.		
146.—Before a Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immoveable property mortgaged.	Thirty years	When any part of the principal or interest was last paid on account of the mortgage-debt.	[Art. 146.]
146A.—By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it has discontinued the possession.	Ditto	The date of dispossession or discontinuance.	[Art. 146A.]
	Part X.—Sixty years.		
147.—By a mortgagee for foreclosure or sale.	Sixty years	When the money secured by the mortgage becomes due.	[Art. 147.]
148.—Against a mortgagee to redeem or to recover possession of immoveable property mortgaged.	Ditto	When the right to redeem or to recover possession accrues: Provided that all claims to redeem arising under instruments of mortgage of immoveable property situate in Lower Burma which had been executed before the first day of May, 1863, shall be governed by the rules of limitation in force in that province immediately before the same day.	[Art. 148.]
149.—Any suit by or on behalf of the Secretary of State for India in Council.	Ditto	When the period of limitation would begin to run under this Act against a like suit by a private person.	[Art. 149.]

V C

The Indian Limitation Bill.

(The First Schedule.—Second Division : Appeals.)

THE FIRST SCHEDULE—*contd.*

SECOND DIVISION : APPEALS.

	Description of appeal.	Period of limitation.	Time from which period begins to run.
[Art. 150.] V of 1898.	150.—Under the Code of Criminal Procedure, 1898, from a sentence of death passed by a Sessions Judge.	Seven days	The date of the sentence.
[Art. 151.]	151.—From a decree or order of any of the High Courts of Judicature at Fort William, Madras and Bombay or the Chief Court of the Punjab or the Chief Court of Lower Burma in the exercise of its original jurisdiction.	Twenty days	The date of the decree or order.
[Art. 152.]	152.—Under the Code of Civil Procedure to the Court of a District Judge.	Thirty days	The date of the decree or order appealed from.
[Art. 153.]	153.—Under the same Code, to a High Court *from an order of a Subordinate Court refusing to certify that a case fulfils the requirements of section 110 of the Code or that it is otherwise a fit case for appeal to His Majesty in Council.*	Ditto .	The date of the order refusing the certificate.
[Art. 154.] V of 1898	154.—Under the Code of Criminal Procedure, 1898, to any Court other than a High Court.	Ditto .	The date of the sentence or order appealed from.
[Art. 155.]	155.—Under the same Code, to a High Court, except in the cases provided for by No. 150 and No. 157.	Sixty days	Ditto.
[Art. 156.]	156.—Under the Code of Civil Procedure to a High Court, except in the cases provided for by No. 151 and No. 153.	Ninety days	The date of the decree or order appealed from.
[Art. 157.] V of 1898	157.—Under the Code of Criminal Procedure, 1898, from a judgment of acquittal.	Six months.	The date of the judgment appealed from.

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS.

Description of application.	Period of limitation.	Time from which period begins to run.	
158.—Under the Code of Civil Procedure, to set aside an award.	Ten days .	When the award is submitted to the Court.	[Art. 158.]
159.—For leave to appear and defend a suit under the Code of Civil Procedure *when triable summarily.*	Ditto .	When the summons is served.	[Art. 159.]
160.—For an order under the same Code, restoring to the file *an* application for review *rejected in consequence of the failure of the applicant to appear when the application was called on for hearing.*	Fifteen days	When the application for review is rejected.	[Art. 160.]
161.—For a review of judgment by a Provincial Court of Small Causes, or by a Court invested with the jurisdiction of a Provincial Court of Small Causes when exercising that jurisdiction.	Ditto .	The date of the decree or order.	[Art. 160A.]
162.—For a review of judgment by any of the High Courts of Judicature at Fort William, Madras and Bombay or the Chief Court of the Punjab or the Chief Court of Lower Burma in the exercise of its original jurisdiction.	Twenty days	Ditto.	[Art. 161.]
163.—By a plaintiff, for an order to set aside a dismissal by default *or on failure to furnish security for costs.*	Thirty days	The date of the dismissal.	[Art. 163.]
164.—By a defendant, for an order to set aside a judgment *ex parte.*	Ditto .	The date of executing any process for enforcing the judgment.	[Art. 164.]
165.—Under the Code of Civil Procedure by a person dispossessed of immoveable property, and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession.	Ditto .	The date of the dispossession.	[Art. 165.]
166.—Under the Code of Civil Procedure to set aside a sale in execution of a decree.	Ditto .	The date of sale.	[Art 166.]

The Indian Limitation Bill.

(The First Schedule.—Third Division : Applications.)

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS—*contd.*

	Description of application.	Period of limitation.	Time from which period begins to run.
[Art. 167.]	167.—Complaining of resistance or obstruction to delivery of possession of immoveable property decreed or sold in execution of a decree.	Thirty days	The date of the resistance, obstruction or dispossession.
[Art. 168.]	168.—For the readmission of an appeal dismissed for want of prosecution.	Thirty days	The date of the dismissal.
[Art. 169.]	169.—For the re-hearing of an appeal heard *ex parte* in the absence of the respondent.	Ditto .	The date of the decree in appeal.
[Art. 170.]	170.—For leave to appeal as a pauper.	Ditto .	The date of the decree appealed from.
[Cf. Art. 171.]	171.—Under the Code of Civil Procedure for an order to set aside *the* abatement of a *suit or an appeal.*	Sixty days	The date of the abatement.
[Cf. Art. 171.]	172.—Under the Code of Civil Procedure *by the assignee or the receiver of an insolvent plaintiff or appellant* for an order to set aside the dismissal of a suit or an appeal.	Ditto .	The date of the order of dismissal.
[Art. 173.]	173.—For a review of judgment except in the cases provided for by No. 161 and No. 162.	Ninety days	The date of the decree or order.
[Art. 173A.]	174.—For the issue of a notice under the same Code, to show cause why *any* payment made *out of Court of any money payable under a decree or any adjustment of the decree* should not be recorded as certified.	Ditto .	When the payment or adjustment is made.
[Art. 175.]	175.—For payment of the amount of a decree by instalments.	Six months	The date of the decree.
[Art. 175A.] [Art. 175B.]	176.—*Under the Code of Civil Procedure to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.*	*Ditto* .	*The date of the death of the deceased plaintiff or appellant.*

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.	
177.—*Under the Code of Civil Procedure to have the legal representative of a deceased defendant or of a deceased respondent made a party.*	*Six months*	*The date of the death of the deceased defendant or respondent.*	[Art. 175B.] [Art. 175C.]
178.—Under the Code of Civil Procedure, *for the filing in Court of an award in a suit made in any matter referred to arbitration by order of the Court, or of an award made in any matter referred to arbitration without the intervention of a Court.*	Six months	The date of the award.	[Art. 176.]
179.—*By a person desiring to appeal under the Code of Civil Procedure to His Majesty in Council for a certificate under the Code.*	Ditto .	The date of the decree appealed against.	[Art. 177.]
180.—Applications for which no period of limitation is provided elsewhere in this schedule or by the Code of Civil Procedure.	Three years	When the right to apply accrues.	[Art. 178.]
181.—For the execution of a decree or order of any Civil Court not provided for by No. 182 or by the Code of Civil Procedure.	Three years or, where a certified copy of the decree or order has been registered, six years.	1. The date of the decree or order, or 2. (where there has been an appeal) the date of the final decree or order of the Appellate Court, *or the withdrawal of the appeal,* or 3. (where there has been a review of judgment) the date of the decision passed on the review, or 4. *(where the decree has been amended) the date of amendment,* or	[Art. 179.]

The Indian Limitation Bill.

(*The First Schedule.—Third Division : Applications.*)

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION: APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
181. For the execution of a decree or order of any Civil Court not provided for by No. 182 or by the Code of Civil Procedure—*contd.*	Three years; or, where a certified copy of the decree or order has been registered, six years.	5. (where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution, or to take some step in aid of execution, of the decree or order, or 6. (where the notice next hereinafter mentioned has been issued) the date of *actual issue of notice to the person against whom execution is applied for to show cause why the decree should not be executed against him, when the issue of such a notice is required by the Code of Civil Procedure* or 7. (where the application is to enforce any payment which the decree or order directs to be made at a certain date), such date. *Explanation I.*—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject-matter as payable or deliverable to each, the application mentioned in clause 5 of this No. shall take effect in favour only of such of the said persons or their representatives as it may be made by. But where the decree or order has been passed jointly in favour of more persons than one, such application, if made by any one or more of them, or by his or their representatives, shall take effect in favour of them all.

THE FIRST SCHEDULE—*concld.*

THIRD DIVISION: APPLICATIONS—*concld.*

Description of application.	Period of limitation.	Time from which period begins to run.
181. For the execution of a decree or order of any Civil Court not provided for by No. 182 or by the Code of Civil Procedure—*contd.*	Three years; or, where a certified copy of the decree or order has been registered, six years.	Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter as payable or deliverable by each, the application shall take effect against only such f the said persons or their representatives as it may be made against. But, where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all. *Explanation II.*—"Proper Court" means the Court whose duty it is to execute the decree or order.
182.—To enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction, or an order of His Majesty in Council.	Twelve years.	When a present right to enforce the judgment, decree or order accrues to some person capable of releasing the right: [Art. 180.] Provided that when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money has been paid, or some acknowledgment of the right thereto has been given in writing signed by the person liable to pay such principal or interest, or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment, or the latest of such revivors, payments or acknowledgments as the case may be.

The Indian Limitation Bill.

(*The Second Schedule. The Third Schedule—Enactments repealed.*)

THE SECOND SCHEDULE.

(*See section 33.*)

The Presidency of Fort St. George.
The Presidency of Bombay.
The Sambalpur District of the Bengal Division of the Presidency of Fort William
The United Provinces of Agra and Oudh.
Burma.
The Central Provinces.
Ajmer-Merwara.

THE THIRD SCHEDULE.

ENACTMENTS REPEALED.

(*See section 34.*)

Year.	No.	Short title.	Extent of Repeal.
1877	XV	*The Indian Limitation Act, 1877.*	*The whole.*
1877	XVII	*The Punjab Courts Act, 1877.*	*So much as has not been repealed.*
1879	XII	*The Registration and Limitation Acts Amendment Act, 1879.*	*In the title the words "and the Limitation Act, 1877" and after section 107, from the words "And whereas" to the end of the Act.*
1881	V	*The Probate and Administration Act, 1881.*	*Section 156.*

THE THIRD SCHEDULE—*contd.*

ENACTMENTS REPEALED—*contd.*

(*See section 34*)—contd.

Year.	No.	Short title.	Extent of Repeal.
1887	IX	*The Provincial Small Cause Courts Act, 1887.*	*Section 36.*
1888	VII	*The Civil Procedure Code Amendment Act, 1888.*	*In the title and in the preamble, the words "and the Indian Limitation Act, 1877" and of section 66 so much as has not been repealed.*
1892	VI	*The Indian Limitation Act and Civil Procedure Code Amendment Act, 1892.*	*In the title and in the preamble, the words "the Indian Limitation Act, 1877, and" and section 1.*
1899	X	*The Carriers Act, 1899.*	*Section 3.*
1900	VI	*The Lower Burma Courts Act, 1900.*	*So much of section 47 and the first schedule as relates to the Indian Limitation Act, 1877.*
1900	IV	*The Indian Limitation Amendment Act, 1900.*	*The whole.*
1906	IV	*The Presidency Small Cause Courts Act, 1906.*	*Section 5.*
1907	III	*The Provincial Insolvency Act, 1907.*	*So much of section 56 and the schedule as relates to the Indian Limitation Act, 1877.*

J. M. MACPHERSON,
Secretary to the Government of India.

[STATEMENT OF OBJECTS AND REASONS.

1. One immediate circumstance which has moved the Government of India to undertake legislation in connection with the Indian Limitation Act, 1877, is the hardship which has been caused to the holders of mortgages of immoveable property, in forms other than what is known as the English form, over a large part of India, by reason of the recent decision of the Judicial Committee of the Privy Council in the case of *Vasudeva* v. *Srinivasa* (11 C. W. N. 1005). In that case their Lordships, over-ruling the decisions of the High Courts of Bombay, Madras and Allahabad, have advised that the period of limitation prescribed by the Indian Limitation Act, 1877, for suits to enforce payment of money secured by such mortgages, is twelve years as provided in article 132 of the Second Schedule of that Act, and not the longer period of sixty years prescribed by article 147. In the opinion of the Privy Council the latter article applies only to the class of mortgages in which a suit may be brought for "foreclosure or sale," that is, only to English mortgages. Previous to this decision for nearly a quarter of a century, the law had been held by the High Courts of Bombay and of Allahabad to be that every suit by a mortgagee either for foreclosure or for sale was governed by the sixty years' rule of limitation enacted in article 147, and the same view of the law had been accepted by the High Court of Madras and by some other High Courts. The effect of the decision of the Privy Council has been that in the territories within the jurisdiction of the above High Courts a number of suits for the enforcement of mortgages, which, before the decision of the Privy Council, would have been within time, have been and must be dismissed by the Courts on the ground that they are barred by limitation, and that the claims under a still larger number of mortgages have become unenforceable owing to the construction thus put on the Statute of Limitation. This result is undoubtedly hard on mortgagees who have relied on the view of the law taken by the High Courts of their Provinces and now find themselves debarred of all remedy because that view has been decided to be incorrect. The Government of India are of opinion that some provision should be made to meet these cases, and it is accordingly proposed in the Bill to allow to these mortgagees a period of two years within which to bring their suits, provided that the whole period from the date when the money secured by the mortgage became due does not exceed sixty years in all. Provision is also made for the continuance of pending suits and for the restoration of suits which have been dismissed on the ground of limitation since the date of the Privy Council decision.

2. Legislation is also necessary to give effect to the recommendations of the Committee on the Code of Civil Procedure. These have been incorporated in the present Bill.

3. It seems desirable also to take this opportunity of setting at rest some doubts on other provisions of the Limitation Act which have been caused by conflicting decisions of the different High Courts. These relate for the most part to matters of detail rather than to questions of principle, and a sufficient account of the amendments proposed in respect of them will be found in the *Notes on Clauses* annexed to this Statement.

4. It would be possible to enact the proposed alterations by an amending Act. But the Limitation Act of 1877 has been already amended by no less than eleven different enactments. It is clearly desirable to have the whole of the statutory law on the subject dealt with in one Act and to clear the Statute-book of these scattered enactments. It is proposed for this reason to introduce an amending and consolidating Bill, embodying the alterations to which attention has been called, re-enacting the present Act in other respects and repealing the various Acts and provisions in which the law is now contained.

H. ERLE RICHARDS.

The 2nd January, 1908.

Notes on Clauses.

The sections and schedules of the Act have been rearranged, the saving and repealing provisions being placed at the end.

In the Act various suits, appeals and applications are described by reference to the number of the particular section of any Act under which the suit, appeal or application in question may be instituted, preferred or made. Most of these references are to sections of the Code of Civil Procedure, and as the majority of these sections have, in the Civil Procedure Code Bill now before the Legislature, been relegated to Rules which may from time to time be altered and may be different in different Provinces, it has been considered advisable in framing the clauses and articles in the Bill to avoid these references and to render the provisions of the Bill self-contained as far as possible.

CLAUSES OF BILL.

Clause 1.—It is proposed that section 33, which provides for suits on mortgages affected by the Privy Council case, should take effect on the passing of the Bill, and that the rest of the Act should come into force simultaneously with the Code of Civil Procedure now before the Legislature. **Section 1.**

Clause 2.—The definitions have been rearranged in alphabetical order.

No. (6) has been added to make the term "moveable property" include growing crops in accordance with the amendment proposed in the Civil Procedure Code Bill. This is for consideration. It was approved by the Select Committee on the Code of Civil Procedure of 1903 and was inserted in their Draft Bill (Schedule IV.) **Section 3.**

Clause 5.—Words have been inserted in this clause to include applications to which the clause may be made applicable by the Code of Civil Procedure. This amendment has the approval of the Special Committee on the Code of Civil Procedure of 1907. **Section 5, para.**

Clauses 7 and 8.—The last clause of section 7 with some verbal modifications has been placed as a separate clause after clause 8 so as to make it clear that its provisions are applicable to cases governed by either of the clauses 7 or 8. **Sections 7, 8.**

Cases of a person entitled to institute a suit or make an application being under any legal disability are dealt with by sections 7 and 8 of the Act.

It has been held in a series of decisions of the Madras High Court that section 7 applies only to cases where the right to bring a suit or to make an application is vested either—

(i) in a single individual who is under a disability, or

(ii) in a number of individuals, all of whom are under a disability.

These cases are: *Seshan* v. *Rajagopala*, I. L. R. 13 Mad. 236, where there was a decree in favour of three persons of whom two only were minors, and it was held that section 7 did not apply to an application for the execution of the decree: *Vigneswara* v. *Bapayya*, I. L. R. 16 Mad. 436, and *Moidin* v. *Beevi*, I. L. R. 18 Mad. 38, which were cases of suits where some only of several persons entitled to institute them were under disability, and it was held, following the case in I. L. R. 13 Mad. 236, that the suits were not governed by section 7; *Ahinsa* v. *Abdul*, I. L. R. 25 Mad. 26, where Benson and Bhashyam Ayyangar, JJ., adopted the same construction of section 7 and held that, apart from section 8, the protection afforded by section 7 would extend only to cases where each and all of the persons jointly entitled to sue were affected by disability at the time from which the period of limitation was to be reckoned, and that if any one of them was then free from disability, section 7 cannot be availed of by all or any of them; and *Periasami* v. *Krishna*, I. L. R. 25 Mad. 431, where a Full Bench of the Madras High Court upheld the same view.

On the construction put upon section 7 by the Madras High Court, cases in which the right is vested jointly in a number of persons of whom some only are under any disability must be left to be governed by section 8 alone, and under the latter part of that section, if there is no one among these persons who can give a discharge without the concurrence of those who are under disability, time would commence to run only from the date when the last of them becomes free from disability and then, apparently, they would have in every case the full period prescribed for the suit or application in question, there being nothing in section 8, corresponding to the last clause of section 7, to limit the period to three years from the cessation of disability or to exclude suits for pre-emption from its scope.

Clause 8.—There is conflict between the Calcutta, Bombay and Allahabad High Courts on the one hand and the Madras High Court on the other on the question, whether an application for the execution of a decree can be saved from limitation by the fact of some only of the decree-holders being under a disability. In *Anundo* v. *Anundo*, I.L.R. 14 Cal. 50; *Surjo* v. *Arun*, I. L.R. 28 Cal. 465; *Govind* v. *Tatia*, I. L.R. 20 Bom. 383, and *Zamir* v. *Sunder*, I. L.R. 22 All. 199, it has been held that a disability of some only of several joint decree-holders would save an application for the execution of the decree from being barred; while the Madras High Court, in *Seshan* v. *Rajagopala*, I. L.R. 13 Mad. 230, and in *Periasami* v. *Krishna*, I. L.R. 25 Mad. 431 F.B., has held the contrary. The High Courts of Calcutta, Bombay and Allahabad hold that the case comes under section 7, but the Madras High Court holds that it comes neither under section 7 nor under section 8. If the right view of section 7 is that it deals only with cases where the person, or all the **Section 8.**

persons if there are more than one, entitled to bring a suit or make an application, is or are under disability, the case in question should properly be dealt with by section 8; all the High Courts are agreed that one of several joint decree-holders cannot give a valid discharge without the concurrence of the others; but the Madras High Court in the Full Bench case felt a difficulty in bringing the case under section 8, for the reason that applications are not mentioned in that section while they are in section 7. In the course of his judgment in the case Bhashyam Ayyangar, J., observed that the addition of the words suggested in this amendment would bring the case in question within the operation of section 8 (I. L.R. 25 Mad. 431, at p. 442).

Section 7, last paragraph. *Clause 9.*—This is the last paragraph of section 7.

Section 10. *Clause 11.*— The proposed amendment is intended to remove certain doubts.

It has been held in some cases that this section does not include a suit for an account of the trust property.

In *Saroda* v. *Brojo*, I. L. R. 5 Cal. 910, property had been vested in the defendant upon trust to manage it and maintain the plaintiff out of the profits during his minority and to make it over to the plaintiff on his attaining the age of majority; the suit was for a decree directing the defendant to account for all such property, and the profits, receipts and disbursements connected therewith. It was held by White and Maclean, JJ., that the object of the suit not being to recover any property in specie, section 10 did not apply. A similar view was adopted in *Advocate General* v. *Bai Punjabai*, I. L. R. 18 Bom. 551 (at pp. 566, 567), where the claim was against a trustee for an account of income and disbursements in respect of trust-property and for the balance if any. In *Hurro* v. *Tarini*, I. L. R. 8 Cal. 766, however, Wilson, J., directed an account and in a manner doubted the correctness of the rule laid down in I. L. R. 5 Cal. 910, and in *Nistarini* v. *Nandlal*, I. L. R. 30 Cal. 369 (at p. 384), a trustee was directed to render accounts irrespective of any question of limitation. In *Ranga* v. *Baba*, I. L. R. 20 Mad. 398, the question whether section 10 applied to a suit charging breaches of trust and claiming an account was regarded as a somewhat doubtful question and was left open.

Section 8, clause 1, of the Trustee Act, 1888 (51 & 52 Vict., c. 59), saves from the bar of limitation a claim against a trustee "to recover trust-property, or the proceeds thereof still retained by the trustee, or previously received by him and converted to his use." It has been held that actions against express trustees claiming an account of such property cannot be barred by the Statute of Limitations: *Rochefoucault* v. *Boustead* (1897), 1 Ch. 196, at p. 208; *North America Co.* v. *Watkins* (1904), 1 Ch. 242.

Section 14. *Clause 15.*—This is section 14 of the Act. The second paragraph of this section is omitted as it is proposed in the Civil Procedure Code Bill to leave out the provision relating to staying proceedings contained in section 20 of the present Code of Civil Procedure.

Section 15. *Clause 16.*—Words are proposed to be inserted in the clause so as to make its provisions applicable to cases where the execution of a decree has been stayed by injunction or order.

This section is not applicable to cases of applications for execution of decrees: *Rungiah v. Nanjappa*, I. L. R. 26 Mad. 780, 782, although in *Beni* v. *Surja*, I. L. R. 26 All. 140, the High Court of Allahabad in computing the period of limitation for an application for execution of a decree allowed the period, during which an injunction staying the execution was in force, to be excluded; it is not, however, clear upon the judgment under what provision of the Act this exclusion was allowed.

The Courts have in many cases where the execution of a decree has been stayed by an injunction or order relieved the decree-holder from the bar of limitation by treating the application made after the withdrawal of the injunction or order as an application to revive or continue some previous application; *Kalyanbhai* v. *Ghanesham*, I. L. R. 5 Bom. 29, p. 34 *et seq.*; *Narayan* v. *Sono*, I. L. R. 24 Bom. 345; *Issur* v. *Abdul*, I. L. R. 4 Cal. 415; *Hurronath* v. *Chuni*, I. L. R. 4 Cal. 877; *Ashraf* v. *Bepin*, I. L. R. 30 Cal. 407, at pp. 411, 413; *Gurudeo* v. *Amrit*, I. L. R. 33 Cal. 689; *Lakhmi* v. *Ballam*, I. L. R. 17 All. 425, and *Qamaruddin* v. *Jawahir*, I. L. R. 27 All. 334 P. C., may be cited as instances.

But it is not always possible by this method to relieve an applicant for execution, in cases where execution has been stayed by reason of an order of Court, from the bar of limitation; as for instance in cases where there was no pending application for execution at the date of the injunction or order (*Sarup* v. *Watson*, 6 C. W. N. 735); or where the previous application had been dismissed after the removal of the bar but before the date of the fresh application (*Dukhiram* v. *Jogendra*, 5 C. W. N. 347).

In the course of their judgment in *Rungiah* v. *Nanjappa*, I. L. R., 26 Mad. 780, Benson and Bhashyam Ayyangar, JJ., observed as follows: "it is only reasonable and proper that in computing the period of limitation prescribed for an application for execution of a decree, the time during which the attaching decree-holder prosecutes a suit under section 283, or during which execution of the decree or a portion of it has been stayed by injunction or otherwise, should be excluded" (at p. 783).

New. *Clause 18.*—The addition of this clause was recommended in the Civil Procedure Bill of 1903. In their report the Select Committee observed as follows:

"In proposing an additional section (16A) we have acted on the view that the purpose of clause 424 (section 424 of the Code of Civil Procedure) is to give notice and facilitate

compromise, but not to shorten the period of limitation. Where, for example, the period of limitation is only thirty days, the deduction of two months on account of notice negatives the right of suit."

Clause 21.—There is a conflict between the Madras High Court and the other High Courts on the question whether the provisions of section 19 apply to applications for execution of decrees; the Madras High Court has answered the question in the negative; *Rama* v. *Venkatu*, I. L. R. 5 Mad. 171 F. B.; *Sreenivasa* v. *Bonuswamy*, I. L. R. 28 Mad. 40; and the other High Courts have answered it in the affirmative: *Trimbak* v. *Kashinath*, I. L. R. 22 Bom. 722, 727; *Venkatrao* v. *Bijesing*, I. L. R. 10 Bom. 108; *Ram* v. *Jakur*, I. L. R. 8 Cal. 716; *Toree* v. *Mahomed*, I. L. R. 9 Cal. 730; *Norendra* v. *Bhupendra*, I. L. R. 23 Cal. 374, 387; *Ramhit* v. *Satgur*, I. L. R. 3 All. 247 F. B.; *Janki* v. *Ghulam*, I. L. R. 5 All. 201; *Fateh* v. *Gopal*, I. L. R. 7 All. 424; *Mahomed* v. *Payag*, I. L. R. 10 All. 228; *Bhagat* v. *Chint*, Punj Record No. 28 of 1885; *Bhagabutty* v. *Ashutosh*, 8 C. W. N. 470. Section 19.

It may be observed that under section 8, 37 & 38 Vict., c. 57, the right to take proceedings to enforce a judgment may be saved by acknowledgment or payment: *Jay* v. *Johnstone*, 1893, 1 Q. B., p. 25, on appeal, p. 189, where at p. 190, Lindley, L. J., opened his judgment with the following remark: "The question raised by this appeal is a very important one, namely, whether proceedings can be taken to enforce a judgment after twelve years, there having been no payment or acknowledgment in the meantime."

The proposed amendment is intended to make it clear that the provisions of the clause apply to applications for the execution of decrees.

Clause 22.—The expression "produce of land" may not include rent paid by tenants in occupation of the land. [See *Ummer* v. *Abdul*, I. L. R. 2 Mad. 165]. The proposed amendment will remove the doubt. Section 20.

There is a conflict between the Calcutta and the Madras High Court on the one hand and the Allahabad High Court on the other on the question whether the word "debt" in this section includes what may be called a judgment-debt; the Calcutta and the Madras High Court answering the question in the negative: *Kader Bux* v. *Gour*, 6 C. W. N. 766; *Periasami* v. *Krishna*, I. L. R. 25 Mad. 431, 442; *Kuppu* v. *Rengu*, I. L. R. 27 Mad. 608; *Srinivasa* v. *Ponnu*, I. L. R. 28 Mad. 40, and the cases of *Kally* v. *Heera*, I. L. R. 2 Cal. 468, and *Mungal* v. *Shama*, I. L. R. 4 Cal. 708, decided under sections 20 and 21 of Act IX of 1871; and the Allahabad High Court answering it in the affirmative: *Roshan* v. *Mata*, I. L. R. 26 All. 36; *Janki* v. *Ghulam*, I. L. R. 5 All. 201; *Ramhit* v. *Satgur*, I. L. R. 3 All. 247; *Muhamad* v. *Payag*, I. L. R. 16 All. 228; *Ashanullah* v. *Dakkhina*, I. L. R. 27 All. 575. It seems that acknowledgments and payments should in this respect have the same effect, and it may be observed that under section 8, 37 & 38 Vict., c. 57, a payment would save the right to take proceedings to enforce a judgment; *Jay* v. *Johnston* (1893), 1 Q. B. 189.

The explanation is added to remove this conflict.

Clause 23 (1).—There is a conflict of authority on the question whether a guardian of a minor is an agent within the meaning of these sections. In *Tilluck* v. *Chutta*, I. L. R. 26 All. 598, it was held that a payment made by a natural guardian of certain minors of interest due on a bond executed by their deceased father did not meet the requirements of section 20; in *Wajibun* v. *Kadir*, I. L. R. 13 Cal. 292, it was held that an acknowledgment given by the natural guardian of a minor was not enough to give the creditor a fresh period of limitation, and the same view was taken in *Maharana* v. *Vadilal*, I. L.R. 20 Bom. 61. On the other hand, in *Annapaganda* v. *Sanga*, I. L. R. 26 Bom. 221 F. B., it was held that a payment made or acknowledgment given by a guardian appointed under Act VIII of 1890, if it was within the powers of the guardian under section 27 of the Act, would be sufficient; payment made by such a guardian who had borrowed money on a bond for the benefit of the minor was held to be a good payment under section 20; *Norendra* v. *Raicharan*, I. L. R. 29 Cal. 647; and an acknowledgment made in the course of certain execution proceedings by the pleader of a minor judgment-debtor was held to be within the requirements of section 19 in *Narendra* v. *Bhupendra*, I. L. R. 23 Cal. 374, at p. 387; and in *Sobhanadri* v. *Sriramulu*, I. L. R. 17 Mad. 221, an acknowledgment made by a natural guardian was held to meet the requirements of section 19. In *Beti Maharani* v. *Collector of Etawa*, I. L. R. 17 All. 198 P.C., an acknowledgment made by the Court of Wards on behalf of a person who had been declared disqualified on her own application was held to be sufficient; it may be doubted, however, whether such a disqualified proprietor is a person under disability in the same sense as a minor or an idiot or an insane person. New.

It may be observed that acknowledgments and payments made by guardians and managers are almost always made for some benefit to the estate of the person under disability, *e.g.*, to avert an impending suit; it would be manifestly unfair, after a creditor has, at the request of the guardian, accepted a payment or an acknowledgment and refrained from suing at once, to allow the minor afterwards to say that the creditor's remedy has become barred.

The addition of this sub-clause will remove the conflict.

Clause 24.—The proposed amendment is recommended in the fourth schedule annexed to the Civil Procedure Code Bill, 1907. In the notes annexed to their report, the Special Committee made the following observation with reference to this amendment: Section 22.

"The Committee have amended section 22 of the Limitation Act to supply an omission which has been noticed by the High Courts, namely, the absence of any provision with

regard to a devolution of interest *pendente lite* where it takes place otherwise than by reason of death. The section as amended will include not only cases in which a devolution of interest takes place *pendente lite* owing to death but also to other cases in which such devolution occurs."

Section 26. It is also proposed to save cases where a plaintiff has been made a defendant or *vice versâ* from the operation of this clause: *Jibanti* v. *Gokul*, I. L. R. 19 Cal. 760; *Khaden* v. *Rama*, I. L. R. 17 Mad. 12.

Clause 28.—A clause has been added to provide a rule for the acquisition of easements against the Government.

It is the last clause of section 15 of the Indian Easements Act, V of 1882. There is a conflict on the question whether section 26 applies against the Government. In *Arzan* v. *Rakhal*, I.L.R. 10 Cal. 214, 219, Garth, C. J., went on the assumption that it did; whereas in *Secretary of State* v. *Mathura Bai*, I. L. R. 14 Bom. 213, and *Viresa* v. *Tattaya*, I. L. R. 8 Mad. 467, it has been held that it does not.

Sixty years is the period of limitation applicable against the Government.

Illustration (*b*) has been omitted as it has been pointed out that it goes beyond the terms of the section which does not require "actual user": *Koylas* v. *Pudao*, I. L. R. 7 Cal. 132.

This illustration does not occur under section 15 of the Indian Easements Act, V of 1882.

Sections 1, 2 and 6. *Clause 31.*—Portions of section 2 have been omitted as unnecessary, having regard to the provisions of the General Clauses Act, 1897, section 6 (*a*), (*c*), and section 8.

Sub-clause (2) (*b*).—The Madras Regulation, VI of 1831, has been repealed except as to the scheduled districts in Madras by the Madras Hereditary Village-offices Act (Mad. Act III), 1895. This Act, however, clearly provides special rules of limitation for suits, appeals and applications, making certain sections of the Limitation Act applicable thereto. Sub-clause (1) (*b*) will therefore save the periods prescribed by this Act from being altered or affected by anything herein contained and it need not be specifically mentioned.

Sub-clause (3).—The sections of the Act corresponding to clauses 28 and 29 of the Bill were repealed by the Indian Easements Act, V of 1882, in the Provinces to which it applies; this sub-clause is added to provide that these provisions of the Bill shall not affect the Easements Act.

New. *Clause 32.*—This clause provides for cases in respect of which the period of limitation has been shortened by the Bill. It proceeds on the lines of the last clause in section 2 of the Act (now repealed by the Repealing and Amending Act, 1891).

Clause 33 (*1*).—The Privy Council has held in the recent case of *Vasudeva* v. *Srinivasa*, 11 C. W. N. 1005, that article 147 (providing a period of sixty years) is applicable only to suits on English mortgages, and that suits on all other mortgages are governed by the twelve years rule contained in article 132. Previous to this decision, the law, as laid down in the decisions of the High Courts of Bombay, Madras and Allahabad, was that article 147 applied to every suit by a mortgagee in which he asked either for foreclosure or for sale: *Motiram* v. *Vital*, I. L. R. 13 Bom. 90 F. B.; *Datto* v. *Vithu*, I. L. R. 20 Bom. 408 F. B.; *Narayana* v. *Venkata*, I. L. R. 25 Mad. 220 F. B.; *Shib* v. *Ganga*, I. L. R. 6 All. 551 F. B.

The result has been that in the said territories a large number of mortgage-suits for which the period of limitation had hitherto been believed to be sixty years would be found to be barred by limitation.

This sub-clause is meant to provide for these suits; as also for the continuance of pending suits.

New. *Clause 33* (*2*).—This sub-clause is proposed to provide for the restoration of suits of the description mentioned above which have been dismissed on the ground of limitation since the date of the Privy Council decision. It proceeds on the lines of section 12, Act XXIII of 1861.

Section 2. *Clause 34 and Schedule III.*—The Indian Limitation Act, 1877, and the several general enactments amending it are proposed to be repealed.

Notes on schedules.

SCHEDULE I.

This is Schedule II of the Act. The existing numbering has been retained as far as possible.

Article 5. *Article 5.*—This amendment has been proposed in the fourth schedule of the Civil Procedure Code Bill, 1907. Clause 128 (*f*) of the Civil Procedure Code Bill proposes to authorize the framing of rules extending the summary procedure to the trial of suits other than suits on negotiable instruments.

Article 11. *Article 11.*—The article is proposed to be amended so as to provide for all cases in which the Civil Procedure Code Bill proposes to give a right of suit to challenge orders passed in proceedings relating to resistance and obstruction to the delivery of possession of property to a decree-holder or to a purchaser of property sold in execution of a decree and to dispossession in such delivery of possession.

Article 33 has been divided in order to preserve the numbering of the present Act.

Article 34 of the Act is proposed to be omitted.

A wife, even if a minor, should not be looked upon by the law as a chattel and an object of possession. The Civil Procedure Bill of 1907 has left out the provision relating to a decree for the recovery of a wife (O. XXI, r. 32).

Article 35 of the Act is also proposed to be omitted.

The scope of this article is very limited. It does not apply to cases arising under the Indian Divorce Act. The Allahabad High Court has held that it does not apply to Hindus or Muhammadans, as their personal law does not require an antecedent demand to sustain a suit for restitution of conjugal rights, nor make restitution unenforceable against a minor, and it has further held that the withholding of conjugal rights by either party is a continuing wrong, and that a claim for restitution cannot be barred by limitation: *Binda* v. *Kaunsilia*, I. L. R. 13 All. 126, 146. The same view was taken in *Bai Sari* v. *Saukla*, I. L. R. 16 Bom. 714. These views have been so far modified by the rulings of the Calcutta and Madras High Courts and by the later rulings of the Bombay High Court as to make the article applicable to Hindus and Muhammadans in cases of suits preceded by demand and refusal as mentioned in the third column: *Dhunjibhoy* v. *Hirabai*, I. L. R. 25 Bom. 644 F. B.; *Asirunnissa* v. *Buzloo*, I. L. R. 34 Cal. 79; *Saravanai* v. *Poovayi*, I. L. R. 28 Mad. 436. The operation of the article may be easily avoided by a party if he simply refrains from making a demand which, it may be noted, is not under the Hindu or Muhammadan law necessary to give rise to a cause of action. It is a very usual thing in Hindu and Muhammadan families for a wife to go and stay with her parents or brothers and the effect of this article is that if owing to any domestic quarrel the wife should in a fit of temper refuse to return, the husband would be compelled to take the matter into Court within two years.

Article 44.—The article is proposed to be amended so as to be applicable to all transfers of property. **Article 44.**

It has been held in one case that the word sale does not include a mortgage or a lease: *Ramausar* v. *Raghubar*, I. L. R. 5 All. 490.

Article 60.—There is conflict on the question whether money deposited with a banker is a loan or a deposit. **Article 60.**

In *Issur* v. *Jiban*, I. L. R. 16 Cal. 25, Wilson, J., held that it is a deposit and not a loan within the meaning of article 59.

In *Ichha* v. *Natha*, I. L. R. 13 Bom. 338, it was held that a deposit with a banker is ordinarily a loan.

In *Dharam* v. *Ganga*, 4 All. Law Journal, 628, it has been held that ordinary dealings between native bankers and their customers are matters of loan within the meaning of article 59.

In *Manchaji* v. *Dorabji*, I. L. R. 19 Bom. 775, and *Perundevi* v. *Nammalvar*, I. L. R. 18 Mad. 390, at p. 394, it was held that whether a particular transaction was a loan or a deposit would depend on the facts of each case.

The amendment suggested would bring the law into conformity with the view taken by ordinary men of business in this country.

Article 99.—It was held in *Patabhi* v. *Ramayya*, I. L. R. 20 Mad. 23, that this article could not apply to a case where not the *whole* but only a *part* of the money due under a joint decree was realized from the plaintiff by the sale of his property by the Court and that it was doubtful whether such a case fell under article 61 or under the general article **120.** **Article 99.**

In *Raja of Vizianagram* v. *Raja Satrucherla*, I. L. R. 26 Mad. 686, at p. 716, Bhashyam Ayyangar, J., pointed out that a strictly grammatical and literal interpretation of this article would lead to anomalous if not absurd consequences, and observed that he would be strongly inclined to read the section as if after the words "had paid" there were the words "on account of". He held that each time that an amount is paid by or levied from the party seeking contribution in excess of his share, he has a right of suit for contribution in respect of such payment. Referring to this case, Stanley, C. J., in *Ibn Hasan* v. *Brijbhukan*, I. L. R. 26 All. 407, observed as follows: "It seems to me very questionable whether the learned Judge has not taken too great a liberty of interpolation with the article in question"—p. 425.

The question whether the word "paid" in article 100 of Act IX of 1871 (which corresponded to the present article 99) covered a case where money was realized by the sale of plaintiff's property was left in doubt by Mitter and Maclean, JJ., in *Fuckoruddin* v. *Mohima*, I. L. R. 4 Cal. 529.

The amendments proposed would meet the points indicated above.

Article 111.—The amendment proposed will make it clear that this article is applicable only to suits to enforce the personal liability of the purchaser. **Article 111.**

It has been held by the High Courts of Bombay, Madras and Allahabad that a suit by an unpaid vendor to enforce his charge on the land for the unpaid purchase-money is governed by article 132 and not by this article: *Chunilal* v. *Bai Jetha*, I. L. R. 22 Bom. 846; *Virachand* v. *Kumaji*, I. L. R. 18 Bom. 48; *Har* v. *Muhamdi*, I. L. R. 21 All. 454; *Ramakrishna* v. *Subrahmania*, I. L. R. 29 Mad. 305 F. B., overruling *Natesan* v. *Soundra*, I. L. R. 21 Mad. 141, and *Avuthala* v. *Dayumma*, I. L. R. 24 Mad. 233.

Article 116.—It is proposed to amend this article so as to exclude from its operation suits for arrears of rent payable under a registered lease. **Article 116.**

There is conflict on the question whether a suit for arrears of rent due under a registered lease is governed by this article or by article 110 which provides three years for

suits for arrears of rent. The Calcutta High Court has held that such suits, if not governed by the Bengal Tenancy Act (that is, if the rent is not due in respect of agricultural lands) would come under article 116 and not under article 110: *Umesh* v. *Adarmoni*, I. L. R. 15 Cal. 221; *Raneegunge Coal Company* v. *Jadunath*, I. L. R. 19 Cal. 489; suits for rent due under a registered contract are also held to be governed by article 116 by the Madras High Court: *Vythilinga* v. *Thetchama*, I. L. R. 3 Mad. 76. The Allahabad High Court has however held that such suits are governed by article 110, which specifically deals with suits for arrears of rent: *Ramnarain* v. *Kamta*, I. L. R. 26 All. 138.

The ruling of the Calcutta and Madras High Courts would reduce the scope of article 110 to cases of tenancies for a term not exceeding one year and monthly tenancies, as all other tenancies must be created by registered instruments.

Article 118. *Article 118.*—The amendment is proposed to remove a conflict of authority, and it adopts the view taken by Bhashyam Ayyangar, J., in *Chiruvolu* v. *Chiruvolu*, I. L. R. 29 Mad. 390.

In a suit to set aside an adoption where but for the adoption the estate would be in a Hindu female a remote reversioner has been held to claim through the presumptive reversioner in the following cases:—*Ayyadori* v. *Solai*, I. L. R. 24 Mad. 405; *Chiruvolu* v. *Chiruvolu*, I. L. R. 29 Mad. 390 F. B.; *Harnath* v. *Mandil*, I. L. R., 27 Cal. 379, at p. 403; *Srinivasa* v. *Hanmant*, I. L. R. 24 Bom. 260, at p. 266; *Siddheswar v. Sham Chand*, 23 W. R. 285 (decided under Act IX of 1871); *Mrinomoyee* v. *Bhoobun*, 23 W. R. 42 (decided under Act XIV of 1859).

The contrary view has been taken in the following cases:—*Abinash* v. *Harinath*, I. L. R. 32 Cal. 62, at p. 71; *Bagwanta* v. *Sukhi*, I. L. R. 22 All. 33, at pp. 44, 45.

In the case of *Chirnvolu* v. *Chirnvolu*, I. L. R. 29 Mad. 390 F. B., however, the Court observed that in suits relating to the alienations by a qualified owner (such as a Hindu widow) the presumptive reversioner cannot, on the current of authority, be held to represent remote reversioners (at p. 411). The conflict therefore is limited to suits relating to adoption.

Article 163. *Article 163.*—The amendment is recommended by the Special Committee on the Civil Procedure Code Bill, 1907.

Article 166. *Article 166.*—The amendment is recommended by the same Committee. In the notes on Schedules annexed to their report they observe as follows:

"The Code [s. 312] contemplates the confirmation of a sale of immoveable property immediately on the expiration of the thirty days allowed by article 166 of the Limitation Schedule. But the period allowed for an application to set aside a sale on the ground that the judgment-debtor had no saleable interest therein is sixty days [article 172]. The result is that in some Provinces the confirmation of a sale is delayed for sixty days; whilst in other Provinces, sales which have been already confirmed are liable to be set aside. The Committee think that in the matter of limitation an application under section 313 should be brought into line with an application under section 312, and they therefore propose to repeal article 172 and to amend article 166 so as to include applications under section 313."

Article 171. *Articles 171, 172.*—Article 171 of the Act has heen broken up into these two articles. References to the sections have been omitted and words have been added to describe the order of dismissal referred to.

Article 172 of the Act is omitted from the Bill. [*Vide* notes on article 166.]

Article 174 of the Act is omitted as it has been repealed by the Provincial Insolvency Act, 1907, with effect from the 1st January, 1908.

Articles 175A,17 175C. *1rticles 176, 177.*—These two articles have been substituted for the three articles in the Act. Article 177 is recommended by the Special Committee of 1907.

Article 177. *Article 179.*—In article 177 of the Act the description of the application intended to be governed by it does not seem to be accurate.

Section 598 of the Code deals with the application to be made by an intending appellant; section 603 deals with the admission of the appeal. Section 598 requires that the application should pray for a certificate that the case is a fit one for appeal; section 603 does not require that any application should be made for the admission of the appeal.

It may be noted that the word *may* in section 603 of the present Code has been replaced by the word *shall* in O. XLIV, r. 8, of the Code of Civil Procedure Bill, 1907.

Article 179. *Article 181, third column, clause 2.*—There is conflict on the question whether, where an appeal has been withdrawn, time would run from the date of withdrawal of the appea or from the date of the original decree.

In *Peria* v. *Lakshmi*, I. L. R. 30 Mad. I. F. B., it has been held by the Madras High Court that in case of an appeal which has been withdrawn time should run from the date of the order of the Appellate Court dismissing the appeal on such withdrawal.

The Bombay High Court has on the other hand held that when an appeal is withdrawn time would run from the date of the original decree; *Abdul* v. *Moidin*, I. L. R. 22 Bom. 500, at p. 506.

New. *Article 181, third column, clause 4.*—There is conflict on the question whether when a decree has been amended time for an application for execution would run from the date of the decree or from the date of the amendment.

In *Kali Prasanna* v. *Lal Mohan*, I. L. R. 25 Cal. 258, the application for amendment (to include in the decree certain costs which had been awarded by the judgment) was regarded as an application for review; the same view was taken in *Venkata* v. *Venkata*, I. L. R. 24 Mad. 25, where the application was to amend the amount of costs entered in decree; and in *Amar* v. *Asad*, I. L. R. 32 Cal. 908, it was held that time would run from the date of amendment as the amended decree was the final decree to be executed.

The Allahabad High Court on the other hand has held that an application under section 206 of the Code of Civil Procedure to amend a decree so as to bring it into conformity with the judgment is not an application for review, and that time will run from the date of the decree as originally drawn up: ***Ahsan* v *Dakkhini***, I. L. R. 27 All. 575; ***Kallu* v. *Fahiman***, I. L. R. 13 All. 124; ***Muhammad* v. *Muhammad***, I. L. R. 17 All. 39; and ***Daya* v. *Nanhi***, I. L. R. 20 All. 304.

Article 181, third column, clause 6.—There is conflict on the question whether the date referred to in this clause is the date of the order of the Court directing notice to issue or the date on which the notice actually issues from the Court, some time being usually taken in the drawing up and signing of the notice.

The Calcutta and the Madras High Courts have held that the date of actual issue is meant: ***Kedareswar* v. *Mohin***, 6 C. W. N. 656; ***Ratan* v. *Deb***, 10 C. W. N. 303; ***Cheruvath* v. *Nerath***, I. L. R. 30 Mad. 30.

The Bombay and the Allahabad High Courts have held that where notice has been issued time would run from the date of the Court's order to issue the notice: ***Govind* v. *Dada***, I. L. R. 28 Bom. 416; ***Damoda* v. *Sonaji***, I. L. R. 27 Bom. 622; ***Udit* v. *Rampertab***, 1 All. W. N. 147.

SCHEDULE II.

This schedule specifies the territories in which previous to the recent decision of the Privy Council (11 C. W. N. 1005) the law was held to be that the period of limitation for every suit by a mortgagee, whether he asked for foreclosure or for sale, was sixty years as provided by article 147 and not twelve years as provided by article 132.

The list is not exhaustive as it is not definitely known whether there are not other Provinces or Districts where the same view of the law prevailed.

SCHEDULE III.

The enactments proposed to be repealed are specified in this schedule.

J. M. MACPHERSON,
Secretary to the Government of India.

[illegible] that he must have an application [illegible] [illegible] to bring it into [illegible] [illegible] and that time will run from [illegible] [illegible] v. [illegible] [illegible]

[illegible] There is conflict on the question whether [illegible] is the date of the order of the Court directing notice to issue [illegible] the notice actually issues from the Court, where that is not [illegible] [illegible] appeal [illegible] of the [illegible]

[illegible] and the Madras High Courts have held that the date of [illegible] [illegible] v. [illegible] C. W. N. [illegible] [illegible] v. [illegible] [illegible] [illegible] I. L. R. [illegible] [illegible] and the Allahabad High Courts have held that where notice [illegible] [illegible] from the date of the Court's order to issue the notice [illegible] [illegible] I. L. R. [illegible] [illegible]

SCHEDULE II.

[illegible] specific article [illegible] which provides for the [illegible] [illegible] C. W. N. [illegible] the law [illegible] is that the period of that [illegible] [illegible] whether [illegible] [illegible] article [illegible] [illegible] whether there are [illegible] [illegible] the same view of the law [illegible]

SCHEDULE III.

[illegible] proposed to be repealed are specified in the [illegible]

[illegible] M. [illegible]

Secretary to the Government of [illegible]

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JANUARY 31, 1908.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 17th January, 1908, and is hereby promulgated for general information :—

ACT NO. III OF 1908.

An Act further to amend the law relating to Private Trusts and Trustees.

WHEREAS it is expedient further to amend the law relating to Private Trusts and Trustees; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Trusts (Amendment) Act, 1908.

Amendment of section 20, Act II of 1882.

2. For clause (*d*) of section 20 of the Indian Trusts Act, 1882, the following clause shall be substituted, namely :— II of 1882.

"(*d*) in debentures or other securities for money issued, under the authority of any Act of a Legislature established in British India, by or on behalf of any municipal body, port trust or city improvement trust in any Presidency-town or in Rangoon Town, or by or on behalf of the trustees of the port of Karachi ;".

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, MARCH 27, 1908.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th March, 1908:—

NO. 2 OF 1908.

A Bill further to amend the Whipping Act, 1864, and the Code of Criminal Procedure, 1898.

VI of 1864. V of 1898. WHEREAS it is expedient further to amend the Whipping Act, 1864, and the Code of Criminal Procedure, 1898; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Whipping (Amendment) Act, 190 .

Repeal of portion of section 2, Act VI, 1864. VI of 1864. 2. In section 2 of the Whipping Act, 1864, clauses (3), (5), (6), (7) and (8) are hereby repealed.

Substitution of new section for sections 3, 4 and 4A of same Act. 3. For sections 3, 4 and 4A of the said Act the following shall be substituted, namely:—

Offences punishable with whipping in lieu of or in addition to other punishment. "3. Whoever—

(*a*) abets, commits or attempts to commit, rape as defined in section 375 of the Indian Penal Code, XLV of 1860.

(*b*) voluntarily causes hurt in committing or in attempting to commit robbery as defined in section 390 of the said Code,

(*c*) commits dacoity as defined in section 391 of the said Code,

may be punished with whipping in lieu of or in addition to any other punishment to which he may for such offence, abetment or attempt be liable under the said Code."

Amendment of section 5 of same Act. 4. In section 5 of the said Act the words "falling under clause (*b*)" are hereby repealed.

Amendment of section 6 of same Act. 5. In section 6 of the said Act, for the words "any of the offences specified in section 4 of this Act" the words "any offence punishable under the Indian Penal Code with imprisonment for three years or upwards" shall be substituted.

Amendment of section 32, Act V, 1898. 6. In section 32 of the Code of Criminal Procedure, 1898, the words "Whipping (if specially empowered)" and sub-section (3) are hereby repealed. V of 1898.

Amendment of section 392, Act V, 1898. 7. To section 392, sub-section (2), of the said Code the words "and, in the case of a person under sixteen years of age, it shall not exceed fifteen stripes" shall be added.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the law relating to the punishment of whipping so as to restrict the classes of offences for which that punishment may be inflicted and to limit the number of officers who may be empowered to award it.

Clause 2.—This clause repeals clauses (3), (5), (6), (7) and (8) of section 2 of the Whipping Act, 1864. The result of these repeals will be to abolish whipping for theft by a clerk or servant and all kinds of extortion and receiving stolen property.

Clause 3.—This clause repeals sections 3, 4 and 4A of the same Act and enacts a new section 3. The effect of the repeal of the existing section 3 is to exclude whipping as an additional punishment on second conviction, while the new section 3, which takes the place of the existing sections 4 and 4A, limits the offences punishable with whipping in lieu of or in addition to other punishments to—

(*a*) rape, abetment of rape and attempt to commit rape,
(*b*) voluntarily causing hurt in committing or in attempting to commit robbery, and
(*c*) dacoity.

Clause 4.—By this clause the words "falling under clause (*b*)", contained in the proviso to section 5 of the same Act, are repealed. The repeal of these words will enable the Governor General in Council to exempt juvenile offenders from the punishment of whipping in respect of any offence which is punishable under the Indian Penal Code otherwise than with death, and not merely, as at present, in respect of offences punishable under any other law with imprisonment.

Clause 5.—The amendment made by this clause in section 6 of the same Act, which deals with the infliction of the punishment of whipping in Frontier Districts, is merely consequential on the amendment of the law proposed in clause 3 as above described.

Clause 6.—This clause repeals the provisions contained in section 32 of the Code of Criminal Procedure, 1898, enabling the Local Government to empower second class Magistrates to pass sentences of whipping.

Clause 7.—This clause amends sub-section (*2*) of section 392 of the same Code by adding words limiting the punishment of whipping in the case of persons under sixteen years of age to fifteen stripes.

H. ADAMSON.

The 11th March, 1908.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, APRIL 3, 1908.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th March, 1908 :—

No. 3 OF 1908.

A Bill to give greater facilities to the Public for calling for and inspecting Accounts of Public Charities.

WHEREAS it is expedient to give greater facilities to the public for calling for and inspecting accounts of public charities; It is hereby enacted as follows:

Short title, extent and commencement.

1. (1) This Act may be called the Public Charities Accounts Act, 19 .

(2) It extends to the whole of British India, except the Scheduled Districts; and

(3) It shall come into force .

Power to order production of accounts.

2. In the case of any express or constructive trust created for public purposes of a charitable or religious nature, any Court having jurisdiction to try a suit under section 92 of the Code of Civil Procedure, 1908, in respect of such trust, may, on the application of any two or more persons who have an interest in the trust and have obtained the consent in writing of the Advocate General to the making of such application, by order direct any trustee of such trust to cause to be prepared and filed in the Court within such time as may be specified in the order a detailed account of the receipts and disbursements in connection with the trust property for a period not exceeding three years next preceding the date of the application.

of 1908.

Service of order.

3. A copy of the order signed by the Judge or such officer as he appoints in this behalf and sealed with the seal of the Court shall be served on the trustee in such manner as the Court may direct.

Inspection of accounts.

4. Accounts filed in Court in pursuance of an order made under section 2 shall be open to inspection by the public.

Consequence of non-compliance with order.

5. Where a trustee fails to comply with an order duly made and served under the foregoing provisions, a suit for his removal on the ground of such failure may be instituted in the Court which made the order, and the Court may thereupon pass a decree for his removal unless he can show good cause for the failure.

Exercise of power of Advocate General outside Presidency-towns.

6. The power conferred by section 2 on the Advocate General may, outside the Presidency-towns, be, with the previous sanction of the Local Government, exercised by the Collector or by such officer as the Local Government may appoint in this behalf.

STATEMENT OF OBJECTS AND REASONS.

THE object of the Bill is to provide a simple procedure which would enable the public to obtain inspection of the accounts of public charities.

There is reason for suspecting that considerable portions of the revenues of these charities are misspent or squandered on useless objects. A regular inspection of accounts by the public would be an effective check upon such malpractices where they exist, and it is highly desirable in the interests of these charities to allow the public every reasonable facility for such inspection.

The Bill does not impose any new duty on trustees of public charities. The law as it stands gives sufficient powers to the Courts to direct accounts when once a suit has been instituted. The duty of keeping proper accounts, however, is not always observed by such trustees, and experience has shown that this duty is likely to be neglected unless the members of the public who are interested in the charity concerned are allowed the means of calling for and inspecting accounts without undertaking the burden of a suit.

The Bill by requiring the previous consent of the Advocate General or some officer specially empowered by the Local Government provides ample safeguard against its provisions being utilized for any indirect or other improper purpose.

RASHBEHARY GHOSE.

The 14th March, 1908.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, APRIL 10, 1908.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 21st March, 1908, and is hereby promulgated for general information:—

ACT NO. V OF 1908.

THE CODE OF CIVIL PROCEDURE, 1908.

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The Code of Civil Procedure, 1908

(Preliminary.)

An Act to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature.

WHEREAS it is expedient to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature; It is hereby enacted as follows:—

PRELIMINARY.

Short title, commencement and extent.

1. (*1*) This Act may be cited as the Code of Civil Procedure, 1908.

(*2*) It shall come into force on the first day of January, 1909.

(*3*) This section and sections 155 to 158 extend to the whole of British India: the rest of the Code extends to the whole of British India, except the Scheduled Districts.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Code" includes rules:

(*2*) "decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within section 47 or section 144, but shall not include—

(*a*) any adjudication from which an appeal lies as an appeal from an order, or

(*b*) any order of dismissal for default.

Explanation.—A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final:

(*3*) "decree-holder" means any person in whose favour a decree has been passed or an order capable of execution has been made:

(*4*) "district" means the local limits of the jurisdiction of a principal Civil Court of original jurisdiction (hereinafter called a "District Court"), and includes the local limits of the ordinary original civil jurisdiction of a High Court:

(*5*) "foreign Court" means a Court situate beyond the limits of British India which has no authority in British India and is not established or continued by the Governor General in Council:

(*6*) "foreign judgment" means the judgment of a foreign Court:

(*7*) "Government Pleader" includes any officer appointed by the Local Government to perform all or any of the functions expressly imposed by this Code on the Government Pleader and also any pleader acting under the directions of the Government Pleader:

(*8*) "Judge" means the presiding officer of a Civil Court:

(*9*) "judgment" means the statement given by the Judge of the grounds of a decree or order:

(*10*) "judgment-debtor" means any person against whom a decree has been passed or an order capable of execution has been made:

(*11*) "legal representative" means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued:

(*12*) "mesne profits" of property means those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received therefrom, together with interest on such profits, but shall not include profits due to improvements made by the person in wrongful possession:

(*13*) "moveable property" includes growing crops:

(*14*) "order" means the formal expression of any decision of a Civil Court which is not a decree:

(*15*) "pleader" means any person entitled to appear and plead for another in Court, and includes an advocate, a vakil and an attorney of a High Court:

(*16*) "prescribed" means prescribed by rules:

(*17*) "public officer" means a person falling under any of the following descriptions, namely:—

(*a*) every Judge;

(*b*) every member of the Indian Civil Service;

(*c*) every commissioned or gazetted officer in the military or naval forces of His Majesty, including His Majesty's Indian Marine Service, while serving under the Government;

(*d*) every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order, in the Court, and every person especially authorized by a Court of Justice to perform any of such duties;

(*e*) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

(*f*) every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

(*g*) every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment

The Code of Civil Procedure, 1908.

(Preliminary. Part I.—Suits in General.)

or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report on, any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government; and

(*h*) every officer in the service or pay of the Government, or remunerated by fees or commission for the performance of any public duty:

(*18*) "rules" means rules and forms contained in the First Schedule or made under section 122 or section 125:

(*19*) "share in a corporation" shall be deemed to include stock, debenture stock, debentures or bonds: and

(*20*) "signed," save in the case of a judgment or decree, includes stamped.

Subordination of Courts.

3. For the purposes of this Code, the District Court is subordinate to the High Court, and every Civil Court of a grade inferior to that of a District Court and every Court of Small Causes is subordinate to the High Court and District Court.

Savings.

4. (*1*) In the absence of any specific provision to the contrary, nothing in this Code shall be deemed to limit or otherwise affect any special or local law now in force or any special jurisdiction or power conferred, or any special form of procedure prescribed, by or under any other law for the time being in force.

(*2*) In particular and without prejudice to the generality of the proposition contained in sub-section (*1*), nothing in this Code shall be deemed to limit or otherwise affect any remedy which a landholder or landlord may have under any law for the time being in force for the recovery of rent of agricultural land from the produce of such land.

Application of the Code to Revenue Courts.

5. (*1*) Where any Revenue Courts are governed by the provisions of this Code in those matters of procedure upon which any special enactment applicable to them is silent, the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare that any portions of those provisions which are not expressly made applicable by this Code shall not apply to those Courts, or shall only apply to them with such modifications as the Local Government, with the sanction aforesaid, may prescribe.

(*2*) "Revenue Court" in sub-section (*1*) means a Court having jurisdiction under any local law to entertain suits or other proceedings relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under this Code to try such suits or proceedings as being suits or proceedings of a civil nature.

Pecuniary jurisdiction.

6. Save in so far as is otherwise expressly provided, nothing herein contained shall operate to give any Court jurisdiction over suits the amount or value of the subject-matter of which exceeds the pecuniary limits (if any) of its ordinary jurisdiction.

Provincial Small Cause Courts.

7. The following provisions shall not extend to Courts constituted under the Provincial Small Causes Courts Act, 1887, IX of or to Courts exercising the jurisdiction of a Court of Small Causes under that Act, that is to say,—

(*a*) so much of the body of the Code as relates to—

(*i*) suits excepted from the cognizance of a Court of Small Causes;

(*ii*) the execution of decrees in such suits;

(*iii*) the execution of decrees against immoveable property; and

(*b*) the following sections, that is to say,—
section 9,
sections 91 and 92,
sections 94 and 95 so far as they relate to injunctions and interlocutory orders, and
sections 96 to 112 and 115.

Presidency Small Cause Courts.

8. Save as provided in sections 24, 38 to 41, 75, clauses (*a*), (*b*) and (*c*), 76, 77 and 155 to 158, and by the Presidency Small Cause Courts Act, 1882, the provisions in the XV of body of this Code shall not extend to any suit or proceeding in any Court of Small Causes established in the towns of Calcutta, Madras and Bombay.

PART I.

SUITS IN GENERAL.

JURISDICTION OF THE COURTS AND RES JUDICATA.

Courts to try all civil suits unless barred.

9. The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred.

Explanation.—A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies.

Stay of suit.

10. No Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where such suit is pending in the same or any other Court in British India having jurisdiction to grant the relief claimed, or in any Court

The Code of Civil Procedure, 1908.
(Part I.—Suits in General.)

beyond the limits of British India established or continued by the Governor General in Council and having like jurisdiction, or before His Majesty in Council.

Explanation.—The pendency of a suit in a foreign Court does not preclude the Courts in British India from trying a suit founded on the same cause of action.

11. No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Res judicata.

Explanation I.—The expression "former suit" shall denote a suit which has been decided prior to the suit in question whether or not it was instituted prior thereto.

Explanation II.—For the purposes of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court.

Explanation III.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation IV.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation V.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused.

Explanation VI.— Where persons litigate *bonâ fide* in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.

12. Where a plaintiff is precluded by rules from instituting a further suit in respect of any particular cause of action, he shall not be entitled to institute a suit in respect of such cause of action in any Court to which this Code applies.

Bar to further suit.

13. A foreign judgment shall be conclusive as to any matter thereby directly adjudicated upon between the same parties or between parties under whom they or any of them claim litigating under the same title except—

When foreign judgment not conclusive.

(*a*) where it has not been pronounced by a Court of competent jurisdiction;

(*b*) where it has not been given on the merits of the case;

(*c*) where it appears on the face of the proceedings to be founded on an incorrect view of international law or a refusal to recognise the law of British India in cases in which such law is applicable;

(*d*) where the proceedings in which the judgment was obtained are opposed to natural justice;

(*e*) where it has been obtained by fraud;

(*f*) where it sustains a claim founded on a breach of any law in force in British India.

14. The Court shall presume, upon the production of any document purporting to be a certified copy of a foreign judgment, that such judgment was pronounced by a Court of competent jurisdiction, unless the contrary appears on the record; but such presumption may be displaced by proving want of jurisdiction.

Presumption as to foreign judgments.

PLACE OF SUING.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it.

Court in which suits to be instituted.

16. Subject to the pecuniary or other limitations prescribed by any law, suits—

Suits to be instituted where subject-matter situate.

(*a*) for the recovery of immoveable property with or without rent or profits,

(*b*) for the partition of immoveable property,

(*c*) for foreclosure, sale or redemption in the case of a mortgage of or charge upon immoveable property,

(*d*) for the determination of any other right to or interest in immoveable property,

(*e*) for compensation for wrong to immoveable property,

(*f*) for the recovery of moveable property actually under distraint or attachment,

shall be instituted in the Court within the local limits of whose jurisdiction the property is situate:

Provided that a suit to obtain relief respecting, or compensation for wrong to, immoveable property held by or on behalf of the defendant may, where the relief sought can be entirely

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obtained through his personal obedience, be instituted either in the Court within the local limits of whose jurisdiction the property is situate, or in the Court within the local limits of whose jurisdiction the defendant actually and voluntarily resides, or carries on business, or personally works for gain.

Explanation.—In this section "property" means property situate in British India.

Suits for immoveable property situate within jurisdiction of different Courts.

17. Where a suit is to obtain relief respecting, or compensation for wrong to, immoveable property situate within the jurisdiction of different Courts, the suit may be instituted in any Court within the local limits of whose jurisdiction any portion of the property is situate:

Provided that, in respect of the value of the subject-matter of the suit, the entire claim is cognizable by such Court.

Place of institution of suit where local limits of jurisdiction of Courts are uncertain.

18. (*1*) Where it is alleged to be uncertain within the local limits of the jurisdiction of which of two or more Courts any immoveable property is situate, any one of those Courts may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and thereupon proceed to entertain and dispose of any suit relating to that property, and its decree in the suit shall have the same effect as if the property were situate within the local limits of its jurisdiction:

Provided that the suit is one with respect to which the Court is competent as regards the nature and value of the suit to exercise jurisdiction.

(*2*) Where a statement has not been recorded under sub-section (*1*), and an objection is taken before an appellate or revisional Court that a decree or order in a suit relating to such property was made by a Court not having jurisdiction where the property is situate, the appellate or revisional Court shall not allow the objection unless in its opinion there was, at the time of the institution of the suit, no reasonable ground for uncertainty as to the Court having jurisdiction with respect thereto and there has been a consequent failure of justice.

Suits for compensation for wrongs to person or moveables.

19. Where a suit is for compensation for wrong done to the person or to moveable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another Court the suit may be instituted at the option of the plaintiff in either of the said Courts.

Illustrations.

(*a*) A, residing in Delhi, beats B in Calcutta. B may sue A either in Calcutta or in Delhi.

(*b*) A, residing in Delhi, publishes in Calcutta statements defamatory of B. B may sue A either in Calcutta or in Delhi.

Other suits to be instituted where defendants reside or cause of action arises.

20. Subject to the limitations aforesaid, every suit shall be instituted in a Court within the local limits of whose jurisdiction—

(*a*) the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or

(*b*) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or

(*c*) the cause of action, wholly or in part, arises.

Explanation I.—Where a person has a permanent dwelling at one place and also a temporary residence at another place, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary residence.

Explanation II.—A corporation shall be deemed to carry on business at its sole or principal office in British India or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Illustrations.

(*a*) A is a tradesman in Calcutta. B carries on business in Delhi. B, by his agent in Calcutta, buys goods of A and requests A to deliver them to the East Indian Railway Company. A delivers the goods accordingly in Calcutta. A may sue B for the price of the goods either in Calcutta, where the cause of action has arisen, or in Delhi, where B carries on business.

(*b*) A resides at Simla, B at Calcutta and C at Delhi. A, B and C being together at Benares, B and C make a joint promissory note payable on demand, and deliver it to A. A may sue B and C at Benares, where the cause of action arose. He may also sue them at Calcutta, where B resides, or at Delhi, where C resides; but in each of these cases, if the non-resident defendant objects, the suit cannot proceed without the leave of the Court.

Objections to jurisdiction.

21. No objection as to the place of suing shall be allowed by any appellate or revisional Court unless such objection was taken in the Court of first instance at the earliest possible opportunity and in all cases where issues are settled at or before such settlement, and unless there has been a consequent failure of justice.

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Power to transfer suits which may be instituted in more than one Court.

22. Where a suit may be instituted in any one of two or more Courts and is instituted in one of such Courts, any defendant, after notice to the other parties may, at the earliest possible opportunity and in all cases where issues are settled at or before such settlement, apply to have the suit transferred to another Court, and the Court to which such application is made, after considering the objections of the other parties (if any), shall determine in which of the several Courts having jurisdiction the suit shall proceed.

To what Court application lies.

23. (1) Where the several Courts having jurisdiction are subordinate to the same Appellate Court, an application under section 22 shall be made to the Appellate Court.

(2) Where such Courts are subordinate to different Appellate Courts but to the same High Court, the application shall be made to the said High Court.

(3) Where such Courts are subordinate to different High Courts, the application shall be made to the High Court within the local limits of whose jurisdiction the Court in which the suit is brought is situate.

General power of transfer and withdrawal.

24. (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage—

(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or

(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it, and

(i) try or dispose of the same; or

(ii) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(iii) retransfer the same for trial or disposal to the Court from which it was withdrawn.

(2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the Court which thereafter tries such suit may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

(3) For the purposes of this section, Courts of Additional and Assistant Judges shall be deemed to be subordinate to the District Court.

(4) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

Power of Governor General in Council to transfer suit.

25. (1) Where any party to a suit, appeal or other proceeding pending in a High Court presided over by a single Judge objects to its being heard by him and the Judge is satisfied that there are reasonable grounds for the objection, he shall make a report to the Governor General in Council, who may, by notification in the Gazette of India, transfer such suit, appeal or proceeding to any other High Court.

(2) The law applicable to any suit, appeal or proceeding so transferred shall be the law which the Court in which the suit, appeal or proceeding was originally instituted ought to have applied to such case.

INSTITUTION OF SUITS.

Institution of suits.

26. Every suit shall be instituted by the presentation of a plaint or in such other manner as may be prescribed.

SUMMONS AND DISCOVERY.

Summons to defendant.

27. Where a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and may be served in manner prescribed.

Service of summons where defendant resides in another province.

28. (1) A summons may be sent for service in another province to such Court and in such manner as may be prescribed by rules in force in that province.

(2) The Court to which such summons is sent shall, upon receipt thereof, proceed as if it had been issued by such Court and shall then return the summons to the Court of issue together with the record (if any) of its proceedings with regard thereto.

Service of foreign summonses.

29. Summonses issued by any Civil or Revenue Court situate beyond the limits of British India may be sent to the Courts in British India and served as if they had been issued by such Courts:

Provided that the Courts issuing such summonses have been established or continued by the authority of the Governor General in Council, or that the Governor General in Council has, by notification in the Gazette of India, declared the provisions of this section to apply to such Courts.

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30. Subject to such conditions and limitations as may be prescribed, the Court may, at any time, either of its own motion or on the application of any party,—

Power to order discovery and the like.

(*a*) make such orders as may be necessary or reasonable in all matters relating to the delivery and answering of interrogatories, the admission of documents and facts, and the discovery, inspection, production, impounding and return of documents or other material objects producible as evidence;

(*b*) issue summonses to persons whose attendance is required either to give evidence or to produce documents or such other objects as aforesaid;

(*c*) order any fact to be proved by affidavit.

31. The provisions in sections 27, 28 and 29 shall apply to summonses to give evidence or to produce documents or other material objects.

Summons to witness.

32. The Court may compel the attendance of any person to whom a summons has been issued under section 30 and for that purpose may—

Penalty for default.

(*a*) issue a warrant for his arrest;
(*b*) attach and sell his property;
(*c*) impose a fine upon him not exceeding five hundred rupees;

(*d*) order him to furnish security for his appearance and in default commit him to the civil prison.

JUDGMENT AND DECREE.

33. The Court, after the case has been heard, shall pronounce judgment, and on such judgment a decree shall follow.

Judgment and decree.

INTEREST.

34. (*1*) Where and in so far as a decree is for the payment of money, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with further interest at such rate as the Court deems reasonable on the aggregate sum so adjudged, from the date of the decree to the date of payment, or to such earlier date as the Court thinks fit.

Interest.

(*2*) Where such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie.

COSTS.

35. (*1*) Subject to such conditions and limitations as may be prescribed, and to the provisions of any law for the time being in force, the costs of and incident to all suits shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purposes aforesaid. The fact that the Court has no jurisdiction to try the suit shall be no bar to the exercise of such powers.

Costs.

(*2*) Where the Court directs that any costs shall not follow the event, the Court shall state its reasons in writing.

(*3*) The Court may give interest on costs at any rate not exceeding six per cent. per annum, and such interest shall be added to the costs and shall be recoverable as such.

PART II.

EXECUTION.

GENERAL.

36. The provisions of this Code relating to the execution of decrees shall, so far as they are applicable, be deemed to apply to the execution of orders.

Application to orders.

37. The expression "Court which passed a decree", or words to that effect, shall, in relation to the execution of decrees, unless there is anything repugnant in the subject or context, be deemed to include,—

Definition of Court which passed a decree.

(*a*) where the decree to be executed has been passed in the exercise of appellate jurisdiction, the Court of first instance, and

(*b*) where the Court of first instance has ceased to exist or to have jurisdiction to execute it, the Court which, if the suit wherein the decree was passed was instituted at the time of making the application for the execution of the decree, would have jurisdiction to try such suit.

COURTS BY WHICH DECREES MAY BE EXECUTED.

38. A decree may be executed either by the Court which passed it, or by the Court to which it is sent for execution.

Court by which decree may be executed.

39. (*1*) The Court which passed a decree may, on the application of the decree-holder, send it for execution to another Court,—

Transfer of decree.

(*a*) if the person against whom the decree is passed actually and voluntarily resides or carries on business, or personally works for gain, within the local limits of the jurisdiction of such other Court, or

(*b*) if such person has not property within the local limits of the jurisdiction of the Court which passed the decree sufficient to satisfy such decree and

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has property within the local limits of the jurisdiction of such other Court, or

(*c*) if the decree directs the sale or delivery of immoveable property situate outside the local limits of the jurisdiction of the Court which passed it, or

(*d*) if the Court which passed the decree considers for any other reason, which it shall record in writing, that the decree should be executed by such other Court.

(*2*) The Court which passed a decree may of its own motion send it for execution to any subordinate Court of competent jurisdiction.

Transfer of decree to Court in another province.

40. Where a decree is sent for execution in another province, it shall be sent to such Court and executed in such manner as may be prescribed by rules in force in that province.

Result of execution-proceedings to be certified.

41. The Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution, or where the former Court fails to execute the same the circumstances attending such failure.

Powers of Court in executing transferred decree.

42. The Court executing a decree sent to it shall have the same powers in executing such decree as if it had been passed by itself. All persons disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner as if it had passed the decree. And its order in executing such decree shall be subject to the same rules in respect of appeal as if the decree had been passed by itself.

Execution of decrees passed by British Courts in places to which this Part does not extend or in foreign territory.

43. Any decree passed by a Civil Court established in any part of British India to which the provisions relating to execution do not extend, or by any Court established or continued by the authority of the Governor General in Council in the territories of any foreign Prince or State, may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in manner herein provided within the jurisdiction of any Court in British India.

Execution of decrees passed by Courts of native States.

44. The Governor General in Council may, by notification in the Gazette of India, declare that the decrees of any Civil or Revenue Courts situate in the territories of any native Prince or State in alliance with His Majesty and not established or continued by the authority of the Governor General in Council, or any class of such decrees, may be executed in British India as if they had been passed by the Courts of British India.

Execution of decrees in foreign territory.

45. So much of the foregoing sections of this Part as empowers a Court to send a decree for execution to another Court shall be construed as empowering a Court in British India to send a decree for execution to any Court established or continued by the authority of the Governor General in Council in the territories of any foreign Prince or State to which the Governor General in Council has, by notification in the Gazette of India, declared this section to apply.

Precepts.

46. (*1*) Upon the application of the decree-holder the Court which passed the decree may, whenever it thinks fit, issue a precept to any other Court which would be competent to execute such decree to attach any property belonging to the judgment-debtor and specified in the precept.

(*2*) The Court to which a precept is sent shall proceed to attach the property in the manner prescribed in regard to the attachment of property in execution of a decree:

Provided that no attachment under a precept shall continue for more than two months unless the period of attachment is extended by an order of the Court which passed the decree or unless before the determination of such attachment the decree has been transferred to the Court by which the attachment has been made and the decree-holder has applied for an order for the sale of such property.

QUESTIONS TO BE DETERMINED BY COURT EXECUTING DECREE.

Questions to be determined by the Court executing decree.

47. (*1*) All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the Court executing the decree and not by a separate suit.

(*2*) The Court may, subject to any objection as to limitation or jurisdiction, treat a proceeding under this section as a suit or a suit as a proceeding and may, if necessary, order payment of any additional court-fees.

(*3*) Where a question arises as to whether any person is or is not the representative of a party, such question shall, for the purposes of this section, be determined by the Court.

Explanation.—For the purposes of this section, a plaintiff whose suit has been dismissed and a defendant against whom a suit has been dismissed, are parties to the suit.

LIMIT OF TIME FOR EXECUTION.

Execution barred in certain cases.

48. (*1*) Where an application to execute a decree not being a decree granting an injunction has been made, no order for the execution of the same decree shall be made upon any fresh

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application presented after the expiration of twelve years from—

(*a*) the date of the decree sought to be executed, or,

(*b*) where the decree or any subsequent order directs any payment of money or the delivery of any property to be made at a certain date or at recurring periods, the date of the default in making the payment or delivery in respect of which the applicant seeks to execute the decree.

(*2*) Nothing in this section shall be deemed—

(*a*) to preclude the Court from ordering the execution of a decree upon an application presented after the expiration of the said term of twelve years, where the judgment-debtor has, by fraud or force, prevented the execution of the decree at some time within twelve years immediately before the date of the application; or

(*b*) to limit or otherwise affect the operation of article 180 of the second schedule to the Indian Limitation Act, 1877.

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TRANSFEREES AND LEGAL REPRESENTATIVES.

Transferee.

49. Every transferee of a decree shall hold the same subject to the equities (if any) which the judgment-debtor might have enforced against the original decree-holder.

Legal representative.

50. (*1*) Where a judgment-debtor dies before the decree has been fully satisfied, the holder of the decree may apply to the Court which passed it to execute the same against the legal representative of the deceased.

(*2*) Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and, for the purpose of ascertaining such liability, the Court executing the decree may, of its own motion or on the application of the decree-holder, compel such legal representative to produce such accounts as it thinks fit.

PROCEDURE IN EXECUTION.

Powers of Court to enforce execution.

51. Subject to such conditions and limitations as may be prescribed, the Court may, on the application of the decree-holder, order execution of the decree—

(*a*) by delivery of any property specifically decreed;

(*b*) by attachment and sale or by sale without attachment of any property;

(*c*) by arrest and detention in prison;

(*d*) by appointing a receiver; or

(*e*) in such other manner as the nature of the relief granted may require.

Enforcement of decree against legal representative.

52. (*1*) Where a decree is passed against a party as the legal representative of a deceased person, and the decree is for the payment of money out of the property of the deceased, it may be executed by the attachment and sale of any such property.

(*2*) Where no such property remains in the possession of the judgment-debtor and he fails to satisfy the Court that he has duly applied such property of the deceased as is proved to have come into his possession, the decree may be executed against the judgment-debtor to the extent of the property in respect of which he has failed so to satisfy the Court in the same manner as if the decree had been against him personally.

Liability of ancestral property.

53. For the purposes of section 50 and section 52, property in the hands of a son or other descendant which is liable under Hindu law for the payment of the debt of a deceased ancestor, in respect of which a decree has been passed, shall be deemed to be property of the deceased which has come to the hands of the son or other descendant as his legal representative.

Partition of estate or separation of share.

54. Where the decree is for the partition of an undivided estate assessed to the payment of revenue to the Government, or for the separate possession of a share of such an estate, the partition of the estate or the separation of the share shall be made by the Collector or any gazetted subordinate of the Collector deputed by him in this behalf, in accordance with the law (if any) for the time being in force relating to the partition, or the separate possession of shares, of such estates.

ARREST AND DETENTION.

Arrest and detention.

55. (*1*) A judgment-debtor may be arrested in execution of a decree at any hour and on any day, and shall, as soon as practicable, be brought before the Court, and his detention may be in the civil prison of the district in which the Court ordering the detention is situate, or, where such civil prison does not afford suitable accommodation, in any other place which the Local Government may appoint for the detention of persons ordered by the Courts of such district to be detained:

Provided, firstly, that, for the purpose of making an arrest under this section, no dwelling-house shall be entered after sunset and before sunrise:

Provided, secondly, that no outer door of a dwelling-house shall be broken open unless such dwelling-house is in the occupancy of the judgment-debtor and he refuses or in any way prevents access thereto, but when

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the officer authorized to make the arrest has duly gained access to any dwelling-house, he may break open the door of any room in which he has reason to believe the judgment-debtor is to be found:

Provided, thirdly, that, if the room is in the a[illegible] occupancy of a woman who is not the judgment-debtor and who according to the customs of the country does not appear in public, the officer authorized to make the arrest shall give notice to her that she is at liberty to withdraw, and, after allowing a reasonable time for her to withdraw and giving her reasonable facility for withdrawing, may enter the room for the purpose of making the arrest:

Provided, fourthly, that, where the decree in execution of which a judgment-debtor is arrested, is a decree for the payment of money and the judgment-debtor pays the amount of the decree and the costs of the arrest to the officer arresting him, such officer shall at once release him.

(*2*) The Local Government may, by notification in the local official Gazette, declare that any person or class of persons whose arrest might be attended with danger or inconvenience to the public shall not be liable to arrest in execution of a decree otherwise than in accordance with such procedure as may be prescribed by the Local Government in this behalf.

(*3*) Where a judgment-debtor is arrested in execution of a decree for the payment of money and brought before the Court, the Court shall inform him that he may apply to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of the application and if he complies with the provisions of the law of insolvency for the time being in force.

(*4*) Where a judgment-debtor expresses his intention to apply to be declared an insolvent and furnishes security, to the satisfaction of the Court, that he will within one month so apply, and that he will appear, when called upon, in any proceeding upon the application or upon the decree in execution of which he was arrested, the Court shall release him from arrest, and, if he fails so to apply and to appear, the Court may either direct the security to be realized or commit him to the civil prison in execution of the decree.

[illegible]ibition of arrest or [illegible]ntion of women in execution of decree for money.

56. Notwithstanding anything in this Part, the Court shall not order the arrest or detention in the civil prison of a woman in execution of a decree for the payment of money.

Subsistence-allowance.

57. The Local Government may fix scales, graduated according to rank, race and nationality, of monthly allowances payable for the subsistence of judgment-debtors.

Detention and release.

58. (*1*) Every person detained in the civil prison in execution of a decree shall be so detained,—

(*a*) where the decree is for the payment of a sum of money exceeding fifty rupees, for a period of six months, and,

(*b*) in any other case, for a period of six weeks:

Provided that he shall be released from such detention before the expiration of the said period of six months or six weeks, as the case may be,—

(i) on the amount mentioned in the warrant for his detention being paid to the officer in charge of the civil prison, or

(ii) on the decree against him being otherwise fully satisfied, or

(iii) on the request of the person on whose application he has been so detained, or

(iv) on the omission by the person, on whose application he has been so detained, to pay subsistence-allowance:

Provided, also, that he shall not be released from such detention under clause (*ii*) or clause (*iii*), without the order of the Court.

(*2*) A judgment-debtor released from detention under this section shall not merely by reason of his release be discharged from his debt, but he shall not be liable to be re-arrested under the decree in execution of which he was detained in the civil prison.

Release on ground of illness.

59. (*1*) At any time after a warrant for the arrest of a judgment-debtor has been issued the Court may cancel it on the ground of his serious illness.

(*2*) Where a judgment-debtor has been arrested, the Court may release him if, in its opinion, he is not in a fit state of health to be detained in the civil prison.

(*3*) Where a judgment-debtor has been committed to the civil prison, he may be released therefrom—

(*a*) by the Local Government, on the ground of the existence of any infectious or contagious disease, or

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(*b*) by the committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

(*4*) A judgment-debtor released under this section may be re-arrested, but the period of his detention in the civil prison shall not in the aggregate exceed that prescribed by section 58.

ATTACHMENT.

Property liable to attachment and sale in execution of decree.

60. (*1*) The following property is liable to attachment and sale in execution of a decree, namely, lands, houses or other buildings, goods, money, banknotes, cheques, bills of exchange, hundis, promissory notes, Government securities, bonds or other securities for money, debts, shares in a corporation and, save as hereinafter mentioned, all other saleable property, moveable or immoveable, belonging to the judgment-debtor, or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf:

Provided that the following particulars shall not be liable to such attachment or sale, namely:—

(*a*) the necessary wearing-apparel, cooking vessels, beds and bedding of the judgment-debtor, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;

(*b*) tools of artizans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such, and such portion of agricultural produce or of any class of agricultural produce as may have been declared to be free from liability under the provisions of the next following section;

(*c*) houses and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him;

(*d*) books of account;

(*e*) a mere right to sue for damages;

(*f*) any right of personal service;

(*g*) stipends and gratuities allowed to pensioners of the Government, or payable out of any service family pension fund notified in the Gazette of India by the Governor General in Council in this behalf, and political pensions;

(*h*) allowances (being less than salary) of any public officer or of any servant of a railway company or local authority while absent from duty;

(*i*) the salary or allowances equal to salary of any such public officer or servant as is referred to in clause (*h*), while on duty, to the extent of—

(*i*) the whole of the salary, where the salary does not exceed twenty rupees monthly;

(*ii*) twenty rupees monthly, where the salary exceeds twenty ru[illegible]s and does not exceed [illegible]ty rupees monthly; and

(*iii*) one moiety of the sala[illegible] in any other case;

(*j*) the pay and allowances of persons to whom the Indian Articles of War apply; V of 18[illegible]

(*k*) all compulsory deposits and other sums in or derived from any fund to which the Provident Funds Act, 1897, for the time being applies in so far as they are declared by the said Act not to be liable to attachment; IX of 18[illegible]

(*l*) the wages of labourers and domestic servants whether payable in money or in kind;

(*m*) an expectancy of succession by survivorship or other merely contingent or possible right or interest;

(*n*) a right to future maintenance;

(*o*) any allowance declared by any law passed under the Indian Councils Acts, 1861 and 1892, to be exempt from liability to attachment or sale in execution of a decree; and, 24 & 25 Vict., c. [illegible] 55 & 56 Vict., c. [illegible]

(*p*) where the judgment-debtor is a person liable for the payment of land-revenue, any moveable property which, under any law for the time being applicable to him, is exempt from sale for the recovery of an arrear of such revenue.

Explanation.—The particulars mentioned in clauses (*g*), (*h*), (*i*), (*j*), (*l*) and (*o*) are exempt from attachment or sale whether before or after they are actually payable.

(*2*) Nothing in this section shall be deemed—

(*a*) to exempt houses and other buildings (with the materials, and the sites thereof and the lands immediately

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appurtenant thereto and necessary for their enjoyment) from attachment or sale in execution of decrees for rent of any such house, building, site or land, or

(*b*) to affect the provisions of the Army Act or of any similar law for the time being in force.

44 & 45 Vict., c. 58.

Partial exemption of agricultural produce.

61. The Local Government, with the previous sanction of the Governor General in Council, may, by general or special order published in the local official Gazette, declare that such portion of agricultural produce, or of any class of agricultural produce, as may appear to the Local Government to be necessary for the purpose of providing until the next harvest for the due cultivation of the land and for the support of the judgment-debtor and his family shall, in the case of all agriculturists or of any class of agriculturists, be exempted from liability to attachment or sale in execution of a decree.

Seizure of property in dwelling-house.

62. (1) No person executing any process under this Code directing or authorizing seizure of moveable property shall enter any dwelling-house after sunset and before sunrise.

(2) No outer door of a dwelling-house shall be broken open unless such dwelling-house is in the occupancy of the judgment-debtor and he refuses or in any way prevents access thereto, but when the person executing any such process has duly gained access to any dwelling-house, he may break open the door of any room in which he has reason to believe any such property to be.

(3) Where a room in a dwelling-house is in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the person executing the process shall give notice to such woman that she is at liberty to withdraw; and, after allowing reasonable time for her to withdraw and giving her reasonable facility for withdrawing, he may enter such room for the purpose of seizing the property, using at the same time every precaution, consistent with these provisions, to prevent its clandestine removal.

Property attached in execution of decrees of several Courts.

63. (1) Where property not in the custody of any Court is under attachment in execution of decrees of more Courts than one, the Court which shall receive or realize such property and shall determine any claim thereto and any objection to the attachment thereof shall be the Court of highest grade, or, where there is no difference in grade between such Courts, the Court under whose decree the property was first attached.

(2) Nothing in this section shall be deemed to invalidate any proceeding taken by a Court executing one of such decrees.

Private alienation of property after attachment to be void.

64. Where an attachment has been made, any private transfer or delivery of the property attached or of any interest therein and any payment to the judgment-debtor of any debt, dividend or other monies contrary to such attachment, shall be void as against all claims enforceable under the attachment.

Explanation.—For the purposes of this section, claims enforceable under an attachment include claims for the rateable distribution of assets.

SALE.

Purchaser's title.

65. Where immoveable property is sold in execution of a decree and such sale has become absolute, the property shall be deemed to have vested in the purchaser from the time when the property is sold and not from the time when the sale becomes absolute.

Suit against purchaser not maintainable on ground of purchase being on behalf of plaintiff.

66. (1) No suit shall be maintained against any person claiming title under a purchase certified by the Court in such manner as may be prescribed on the ground that the purchase was made on behalf of the plaintiff or on behalf of some one through whom the plaintiff claims.

(2) Nothing in this section shall bar a suit to obtain a declaration that the name of any purchaser certified as aforesaid was inserted in the certificate fraudulently or without the consent of the real purchaser, or interfere with the right of a third person to proceed against that property, though ostensibly sold to the certified purchaser, on the ground that it is liable to satisfy a claim of such third person against the real owner.

Power for Local Government to make rules as to sales of land in execution of decrees for payment of money.

67. The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, make rules for any local area imposing conditions in respect of the sale of any class of interests in land in execution of decrees for the payment of money, where such interests are so uncertain or undetermined as, in the opinion of the Local Government, to make it impossible to fix their value.

DELEGATION TO COLLECTOR OF POWER TO EXECUTE DECREES AGAINST IMMOVEABLE PROPERTY.

Power to prescribe rules for transferring to Collector execution of certain decrees.

68. The Local Government may, with the previous sanction of the Governor General in Council, declare, by notification in the local official Gazette, that in any local area the execution of decrees in cases in which a Court has ordered any immoveable property to be sold, or the execution of any particular kind of such decrees, or the execution of decrees ordering the sale of any particular kind of, or interest in, immoveable property, shall be transferred to the Collector.

Provisions of Third Schedule to apply.

69. The provisions set forth in the Third Schedule shall apply to all cases in which the execution of a decree has been transferred under the last preceding section.

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(Part II.—Execution.)

70. (*1*) The Local Government may make rules consistent with the aforesaid provisions—

Rules of procedure.

(*a*) for the transmission of the decree from the Court to the Collector, and for regulating the procedure of the Collector and his subordinates in executing the same, and for retransmitting the decree from the Collector to the Court;

(*b*) conferring upon the Collector or any gazetted subordinate of the Collector all or any of the powers which the Court might exercise in the execution of the decree if the execution thereof had not been transferred to the Collector;

(*c*) providing for orders made by the Collector or any gazetted subordinate of the Collector, or orders made on appeal with respect to such orders, being subject to appeal to, and revision by, superior revenue-authorities as nearly as may be as the orders made by the Court, or orders made on appeal with respect to such orders, would be subject to appeal to, and revision by, appellate or revisional Courts under this Code or other law for the time being in force if the decree had not been transferred to the Collector.

(2) A power conferred by rules made under sub-section (1) upon the Collector or any gazetted subordinate of the Collector, or upon any appellate or revisional authority, shall not be exerciseable by the Court or by any Court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the Court.

Jurisdiction of Civil Courts barred.

71. In executing a decree transferred to the Collector under section 68 the Collector and his subordinates shall be deemed to be acting judicially.

Collector deemed to be acting judicially.

72. (1) Where in any local area in which no declaration under section 68 is in force the property attached consists of land or of a share in land, and the Collector represents to the Court that the public sale of the land or share is objectionable and that satisfaction of the decree may be made within a reasonable period by a temporary alienation of the land or share, the Court may authorize the Collector to provide for such satisfaction in the manner recommended by him instead of proceeding to a sale of the land or share.

Where Court may authorize Collector to stay public sale of land.

(2) In every such case the provisions of sections 69 to 71 and of any rules made in pursuance thereof shall apply so far as they are applicable.

DISTRIBUTION OF ASSETS.

73. (1) Where assets are held by a Court and more persons than one have, before the receipt of such assets, made application to the Court for the execution of decrees for the payment of money passed against the same judgment-debtor and have not obtained satisfaction thereof, the assets, after deducting the costs of realization, shall be rateably distributed among all such persons:

Proceeds of execution-sale to be rateably distributed among decree-holders.

Provided as follows:—

(*a*) where any property is sold subject to a mortgage or charge, the mortgagee or incumbrancer shall not be entitled to share in any surplus arising from such sale;

(*b*) where any property liable to be sold in execution of a decree is subject to a mortgage or charge, the Court may, with the consent of the mortgagee or incumbrancer, order that the property be sold free from the mortgage or charge, giving to the mortgagee or incumbrancer the same interest in the proceeds of the sale as he had in the property sold;

(*c*) where any immoveable property is sold in execution of a decree ordering its sale for the discharge of an incumbrance thereon, the proceeds of sale shall be applied—

first, in defraying the expenses of the sale;

secondly, in discharging the amount due under the decree;

thirdly, in discharging the interest and principal monies due on subsequent incumbrances (if any); and,

fourthly, rateably among the holders of decrees for the payment of money against the judgment-debtor, who have, prior to the sale of the property, applied to the Court which passed the decree ordering such sale for execution of such decrees, and have not obtained satisfaction thereof.

(2) Where all or any of the assets liable to be rateably distributed under this section are paid to a person not entitled to receive the same, any person so entitled may sue such person to compel him to refund the assets.

(3) Nothing in this section affects any right of the Government.

RESISTANCE TO EXECUTION.

74. Where the Court is satisfied that the holder of a decree for the possession of immoveable property or that the purchaser of immoveable property sold in execution of a decree has been resisted or obstructed in obtaining possession of the property by the judgment-debtor or some person on his behalf and that such resistance or obstruction was without any just cause, the Court may, at the instance of the decree-holder or purchaser, order the judgment-debtor or such other person to be detained in the civil prison for a term which may extend to thirty days and may further direct that the decree-holder or purchaser be put into possession of the property.

Resistance to execution.

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(Part III.—Incidental Proceedings. Part IV.—Suits in Particular Cases.)

PART III.

INCIDENTAL PROCEEDINGS.

COMMISSIONS.

Power of Court to issue commissions.

75. Subject to such conditions and limitations as may be prescribed, the Court may issue a commission—

(*a*) to examine any person;
(*b*) to make a local investigation;
(*c*) to examine or adjust accounts; or
(*d*) to make a partition.

Commission to another Court.

76. (1) A commission for the examination of any person may be issued to any Court (not being a High Court) situate in a province other than the province in which the Court of issue is situate and having jurisdiction in the place in which the person to be examined resides.

(2) Every Court receiving a commission for the examination of any person under sub-section (1) shall examine him or cause him to be examined pursuant thereto, and the commission, when it has been duly executed, shall be returned together with the evidence taken under it to the Court from which it was issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order.

Letter of request.

77. In lieu of issuing a commission the Court may issue a letter of request to examine a witness residing at any place not within British India.

Commissions issued by foreign Courts.

78. The provisions as to the execution and return of commissions for the examination of witnesses shall apply to commissions issued by—

(*a*) Courts situate beyond the limits of British India and established or continued by the authority of His Majesty or of the Governor General in Council, or
(*b*) Courts situate in any part of the British Empire other than British India, or
(*c*) Courts of any foreign country for the time being in alliance with His Majesty.

PART IV.

SUITS IN PARTICULAR CASES.

SUITS BY OR AGAINST THE GOVERNMENT OR PUBLIC OFFICERS IN THEIR OFFICIAL CAPACITY.

Suits by or against Government.

79. (1) Suits by or against the Government shall be instituted by or against the Secretary of State for India in Council.

(2) Nothing in this section shall be deemed to limit or otherwise affect any information exhibited by the Advocate General in exercise of the power declared by section 111 of the East India Company Act, 1813.

Geo. 3, c. 155.

Notice.

80. No suit shall be instituted against the Secretary of State for India in Council, or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing has been, in the case of the Secretary of State in Council, delivered to, or left at the office of, a Secretary to the Local Government or the Collector of the district, and, in the case of a public officer, delivered to him or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

Exemption from arrest and personal appearance.

81. In a suit instituted against a public officer in respect of any act purporting to be done by him in his official capacity—

(*a*) the defendant shall not be liable to arrest nor his property to attachment otherwise than in execution of a decree, and,
(*b*) where the Court is satisfied that the defendant cannot absent himself from his duty without detriment to the public service, it shall exempt him from appearing in person.

Execution of decree.

82. (1) Where the decree is against the Secretary of State for India in Council or against a public officer in respect of any such act as aforesaid, a time shall be specified in the decree within which it shall be satisfied; and, if the decree is not satisfied within the time so specified, the Court shall report the case for the orders of the Local Government.

(2) Execution shall not be issued on any such decree unless it remains unsatisfied for the period of three months computed from the date of such report.

SUITS BY ALIENS AND BY OR AGAINST FOREIGN AND NATIVE RULERS.

When aliens may sue.

83. (1) Alien enemies residing in British India with the permission of the Governor General in Council, and alien friends, may sue in the Courts of British India, as if they were subjects of His Majesty.

(2) No alien enemy residing in British India without such permission, or residing in a foreign country, shall sue in any of such Courts.

Explanation.—Every person residing in a foreign country the Government of which is at war with the United Kingdom of Great Britain and Ireland, and carrying on business in that country without a license in that behalf under the hand of one of His Majesty's Secretaries of State or of a Secretary to the Government of India, shall, for the purpose of sub-section (2), be deemed to be an alien enemy residing in a foreign country.

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(Part IV.—Suits in Praticular Cases. Part V.—Special Proceedings.)

84. (1) A foreign State may sue in any Court of British India:

When foreign States may sue.

Provided that such State has been recognized by His Majesty or by the Governor General in Council:

Provided, also, that the object of the suit is to enforce a private right vested in the head of such State or in any officer of such State in his public capacity.

(2) Every Court shall take judicial notice of the fact that a foreign State has or has not been recognized by His Majesty or by the Governor General in Council.

85. (1) Persons specially appointed by order of the Government at the request of any Sovereign Prince or Ruling Chief, whether in subordinate alliance with the British Government or otherwise, and whether residing within or without British India, or at the request of any person competent, in the opinion of the Government, to act on behalf of such Prince or Chief, to prosecute or defend any suit on his behalf, shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of such Prince or Chief.

Persons specially appointed by Government to prosecute or defend for Princes or Chiefs.

(2) An appointment under this section may be made for the purpose of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of the Prince or Chief.

(3) A person appointed under this section may authorize or appoint persons to make appearances and applications and do acts in any such suit or suits as if he were himself a party thereto.

86. (1) Any such Prince or Chief, and any ambassador or envoy of a foreign State, may, with the consent of the Governor General in Council, certified by the signature of a Secretary to the Government of India, but not without such consent, be sued in any competent Court.

Suits against Princes, Chiefs, ambassadors and envoys.

(2) Such consent may be given with respect to a specified suit or to several specified suits, or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which the Prince, Chief, ambassador or envoy may be sued; but it shall not be given unless it appears to the Government that the Prince, Chief, ambassador or envoy—

(*a*) has instituted a suit in the Court against the person desiring to sue him, or

(*b*) by himself or another trades within the local limits of the jurisdiction of the Court, or

(*c*) is in possession of immoveable property situate within those limits and is to be sued with reference to such property or for money charged thereon.

(3) No such Prince, Chief, ambassador or envoy shall be arrested under this Code, and, except with the consent of the Governor General in Council certified as aforesaid, no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy.

(4) The Governor General in Council may, by notification in the Gazette of India, authorize a Local Government and any Secretary to that Government to exercise, with respect to any Prince, Chief, ambassador or envoy named in the notification, the functions assigned by the foregoing sub-sections to the Governor General in Council and a Secretary to the Government of India, respectively.

(5) A person may, as a tenant of immoveable property, sue, without such consent as is mentioned in this section, a Prince, Chief, ambassador or envoy from whom he holds or claims to hold the property.

87. A Sovereign Prince or Ruling Chief may sue, and shall be sued, in the name of his State:

Style of Princes and Chiefs as parties to suits.

Provided that in giving the consent referred to in the foregoing section the Governor General in Council or the Local Government, as the case may be, may direct that any such Prince or Chief shall be sued in the name of an agent or in any other name.

INTERPLEADER.

88. Where two or more persons claim adversely to one another the same debt, sum of money or other property, moveable or immoveable, from another person, who claims no interest therein other than for charges or costs and who is ready to pay or deliver it to the rightful claimant, such other person may institute a suit of interpleader against all the claimants for the purpose of obtaining a decision as to the person to whom the payment or delivery shall be made, and of obtaining indemnity for himself:

Where interpleader-suit may be instituted.

Provided that where any suit is pending in which the rights of all parties can properly be decided, no such suit of interpleader shall be instituted.

PART V.

SPECIAL PROCEEDINGS.

ARBITRATION.

89. (1) Save in so far as is otherwise provided by the Indian Arbitration Act, 1899, or by any other law for the time being in force, all references to arbitration whether by an order in a suit or otherwise, and all proceedings thereunder, shall be governed by the provisions contained in the Second Schedule.

Arbitration.

(2) The provisions of the Second Schedule shall not affect any arbitration pending at the commencement of this Code, but shall apply

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to any arbitration after that date under any agreement or reference made before the commencement of this Code.

SPECIAL CASE.

Power to state case for opinion of Court.

90. Where any persons agree in writing to state a case for the opinion of the Court, then the Court shall try and determine the same in the manner prescribed.

SUITS RELATING TO PUBLIC MATTERS.

Public nuisances.

91. (1) In the case of a public nuisance the Advocate General, or two or more persons having obtained the consent in writing of the Advocate General, may institute a suit, though no special damage has been caused, for a declaration and injunction or for such other relief as may be appropriate to the circumstances of the case.

(2) Nothing in this section shall be deemed to limit or otherwise affect any right of suit which may exist independently of its provisions.

Public charities.

92. (1) In the case of any alleged breach of any express or constructive trust created for public purposes of a charitable or religious nature, or where the direction of the Court is deemed necessary for the administration of any such trust, the Advocate General, or two or more persons having an interest in the trust and having obtained the consent in writing of the Advocate General, may institute a suit, whether contentious or not, in the principal Civil Court of original jurisdiction or in any other Court empowered in that behalf by the Local Government within the local limits of whose jurisdiction the whole or any part of the subject-matter of the trust is situate to obtain a decree—

(*a*) removing any trustee;
(*b*) appointing a new trustee;
(*c*) vesting any property in a trustee;
(*d*) directing accounts and inquiries;
(*e*) declaring what proportion of the trust-property or of the interest therein shall be allocated to any particular object of the trust;
(*f*) authorizing the whole or any part of the trust-property to be let, sold, mortgaged or exchanged;
(*g*) settling a scheme; or
(*h*) granting such further or other relief as the nature of the case may require.

(2) Save as provided by the Religious Endowments Act, 1863, no suit claiming any of the reliefs specified in sub-section (1) shall be instituted in respect of any such trust as is therein referred to except in conformity with the provisions of that sub-section.

... of 1863.

Exercise of powers of Advocate General outside Presidency-towns.

93. The powers conferred by sections 91 and 92 on the Advocate General may, outside the Presidency-towns, be, with the previous sanction of the Local Government, exercised also by the Collector or by such officer as the Local Government may appoint in this behalf.

PART VI.

SUPPLEMENTAL PROCEEDINGS.

Supplemental proceedings.

94. In order to prevent the ends of justice from being defeated the Court may, if it is so prescribed,—

(*a*) issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not give security for his appearance, and if he fails to comply with any order for security commit him to the civil prison;

(*b*) direct the defendant to furnish security to produce any property belonging to him and to place the same at the disposal of the Court or order the attachment of any property;

(*c*) grant a temporary injunction and in case of disobedience commit the person guilty thereof to the civil prison and order that his property be attached and sold;

(*d*) appoint a receiver of any property and enforce the performance of his duties by attaching and selling his property;

(*e*) make such other interlocutory orders as may appear to the Court to be just and convenient.

Compensation for obtaining arrest, attachment or injunction on insufficient grounds.

95. (1) Where, in any suit in which an arrest or attachment has been effected or a temporary injunction granted under the last preceding section,—

(*a*) it appears to the Court that such arrest, attachment or injunction was applied for on insufficient grounds, or

(*b*) the suit of the plaintiff fails and it appears to the Court that there was no reasonable or probable ground for instituting the same,

the defendant may apply to the Court, and the Court may, upon such application, award against the plaintiff by its order such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him:

Provided that a Court shall not award, under this section, an amount exceeding the limits of its pecuniary jurisdiction.

(2) An order determining any such application shall bar any suit for compensation in respect of such arrest, attachment or injunction.

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PART VII.
APPEALS.

APPEALS FROM ORIGINAL DECREES.

Appeal from original decree.

96. (1) Save where otherwise expressly provided in the body of this Code or by any other law for the time being in force, an appeal shall lie from every decree passed by any Court exercising original jurisdiction to the Court authorized to hear appeals from the decisions of such Court.

(2) An appeal may lie from an original decree passed *ex parte*.

(3) No appeal shall lie from a decree passed by the Court with the consent of parties.

Appeal from final decree where no appeal from preliminary decree.

97. Where any party aggrieved by a preliminary decree passed after the commencement of this Code does not appeal from such decree, he shall be precluded from disputing its correctness in any appeal which may be preferred from the final decree.

Decision where appeal heard by two or more Judges.

98. (1) Where an appeal is heard by a Bench of two or more Judges, the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

(2) Where there is no such majority which concurs in a judgment varying or reversing the decree appealed from, such decree shall be confirmed:

Provided that where the Bench hearing the appeal is composed of two Judges belonging to a Court consisting of more than two Judges, and the Judges composing the Bench differ in opinion on a point of law, they may state the point of law upon which they differ, and the appeal shall then be heard upon that point only by one or more of the other Judges, and such point shall be decided according to the opinion of the majority (if any) of the Judges who have heard the appeal, including those who first heard it.

No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

99. No decree shall be reversed or substantially varied, nor shall any case be remanded, in appeal on account of any misjoinder of parties or causes of action or any error, defect or irregularity in any proceedings in the suit, not affecting the merits of the case or the jurisdiction of the Court.

APPEALS FROM APPELLATE DECREES.

Second appeal.

100. (1) Save where otherwise expressly provided in the body of this Code or by any other law for the time being in force, an appeal shall lie to the High Court from every decree passed in appeal by any Court subordinate to a High Court, on any of the following grounds, namely:—

(*a*) the decision being contrary to law or to some usage having the force of law;

(*b*) the decision having failed to determine some material issue of law or usage having the force of law;

(*c*) a substantial error or defect in the procedure provided by this Code or by any other law for the time being in force, which may possibly have produced error or defect in the decision of the case upon the merits.

(2) An appeal may lie under this section from an appellate decree passed *ex parte*.

Second appeal on no other grounds.

101. No second appeal shall lie except on the grounds mentioned in section 100.

No second appeal in certain suits.

102. No second appeal shall lie in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed five hundred rupees.

Power of High Court to determine issues of fact.

103. In any second appeal, the High Court may, if the evidence on the record is sufficient, determine any issue of fact necessary for the disposal of the appeal but not determined by the lower appellate Court.

APPEALS FROM ORDERS.

Orders from which appeal lies.

104. (1) An appeal shall lie from the following orders, and save as otherwise expressly provided in the body of this Code or by any law for the time being in force from no other orders:—

(*a*) an order superseding an arbitration where the award has not been completed within the period allowed by the Court;

(*b*) an order on an award stated in the form of a special case;

(*c*) an order modifying or correcting an award;

(*d*) an order filing or refusing to file an agreement to refer to arbitration;

(*e*) an order staying or refusing to stay a suit where there is an agreement to refer to arbitration;

(*f*) an order filing or refusing to file an award in an arbitration without the intervention of the Court;

(*g*) an order under section 95;

(*h*) an order under any of the provisions of this Code imposing a fine or directing the arrest or detention in the civil prison of any person except where such arrest or detention is in execution of a decree;

(*i*) any order made under rules from which an appeal is expressly allowed by rules.

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(2) No appeal shall lie from any order passed in appeal under this section.

105. (1) Save as otherwise expressly provided, no appeal shall lie from any order made by a Court in the exercise of its original or appellate jurisdiction; but, where a decree is appealed from, any error, defect or irregularity in any order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal.

Other orders.

(2) Notwithstanding anything contained in sub-section (1), where any party aggrieved by an order of remand made after the commencement of this Code from which an appeal lies does not appeal therefrom, he shall thereafter be precluded from disputing its correctness.

106. Where an appeal from any order is allowed, it shall lie to the Court to which an appeal would lie from the decree in the suit in which such order was made, or where such order is made by a Court (not being a High Court) in the exercise of appellate jurisdiction, then to the High Court.

What Courts to hear appeals.

GENERAL PROVISIONS RELATING TO APPEALS.

107. (1) Subject to such conditions and limitations as may be prescribed, an Appellate Court shall have power—

Powers of Appellate Court.

(a) to determine a case finally;

(b) to remand a case;

(c) to frame issues and refer them for trial;

(d) to take additional evidence or to require such evidence to be taken.

(2) Subject as aforesaid, the Appellate Court shall have the same powers and shall perform as nearly as may be the same duties as are conferred and imposed by this Code on Courts of original jurisdiction in respect of suits instituted therein.

108. The provisions of this Part relating to appeals from original decrees shall, so far as may be, apply to appeals—

Procedure in appeals from appellate decrees and orders.

(a) from appellate decrees, and

(b) from orders made under this Code or under any special or local law in which a different procedure is not provided.

APPEALS TO THE KING IN COUNCIL.

109. Subject to such rules as may, from time to time, be made by His Majesty in Council regarding appeals from the Courts of British India, and to the provisions hereinafter contained, an appeal shall lie to His Majesty in Council—

When appeals lie to King in Council.

(a) from any decree or final order passed on appeal by a High Court or by any other Court of final appellate jurisdiction;

(b) from any decree or final order passed by a High Court in the exercise of original civil jurisdiction; and

(c) from any decree or order, when the case, as hereinafter provided, is certified to be a fit one for appeal to His Majesty in Council.

110. In each of the cases mentioned in clauses (a) and (b) of section 109, the amount or value of the subject-matter of the suit in the Court of first instance must be ten thousand rupees or upwards, and the amount or value of the subject-matter in dispute on appeal to His Majesty in Council must be the same sum or upwards,

Value of subject-matter.

or the decree or final order must involve directly or indirectly, some claim or question to or respecting property of like amount or value,

and where the decree or final order appealed from affirms the decision of the Court immediately below the Court passing such decree or final order, the appeal must involve some substantial question of law.

111. Notwithstanding anything contained in section 109, no appeal shall lie to His Majesty in Council—

Bar of certain appeals.

(a) from the decree or order of one Judge of a High Court established under the Indian High Courts Act, 1861, or of one Judge of a Division Court, or of two or more Judges of such High Court, or of a Division Court constituted by two or more Judges of such High Court, where such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the High Court at the time being; or

24 & 25 Vict., c. 104.

(b) from any decree from which under section 102 no second appeal lies.

112. (1) Nothing contained in this Code shall be deemed—

Savings.

(a) to bar the full and unqualified exercise of His Majesty's pleasure in receiving or rejecting appeals to His Majesty in Council, or otherwise howsoever, or

(b) to interfere with any rules made by the Judicial Committee of the Privy Council, and for the time being in force, for the presentation of appeals to His Majesty in Council, or their conduct before the said Judicial Committee.

The Code of Civil Procedure, 1908.

(Part VIII.—Reference, Review and Revision. Part IX.—Special Provisions relating to the Chartered High Courts. Part X.—Rules.)

(2) Nothing herein contained applies to any matter of criminal or admiralty or vice-admiralty jurisdiction, or to appeals from orders and decrees of Prize Courts.

PART VIII.

REFERENCE, REVIEW AND REVISION.

Reference to High Court.

113. Subject to such conditions and limitations as may be prescribed, any Court may state a case and refer the same for the opinion of the High Court, and the High Court may make such order thereon as it thinks fit.

Review.

114. Subject as aforesaid, any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed by this Code, or

(c) by a decision on a reference from a Court of Small Causes,

may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit.

Revision.

115. The High Court may call for the record of any case which has been decided by any Court subordinate to such High Court and in which no appeal lies thereto, and if such subordinate Court appears—

(a) to have exercised a jurisdiction not vested in it by law, or

(b) to have failed to exercise a jurisdiction so vested, or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity,

the High Court may make such order in the case as it thinks fit.

PART IX.

SPECIAL PROVISIONS RELATING TO THE CHARTERED HIGH COURTS.

Part to apply only to certain High Courts.

116. This Part applies only to High Courts which are or may hereafter be established under the Indian High Courts Act, 1861. 24 & 25 Vict., c. 104.

Application of Code to High Courts.

117. Save as provided in this Part or in Part X or in rules, the provisions of this Code shall apply to such High Courts.

Execution of decree before ascertainment of costs.

118. Where any such High Court considers it necessary that a decree passed in the exercise of its original civil jurisdiction should be executed before the amount of the costs incurred in the suit can be ascertained by taxation, the Court may order that the decree shall be executed forthwith, except as to so much thereof as relates to the costs;

and, as to so much thereof as relates to the costs, that the decree may be executed as soon as the amount of the costs shall be ascertained by taxation.

Unauthorized persons not to address Court.

119. Nothing in this Code shall be deemed to authorize any person on behalf of another to address the Court in the exercise of its original civil jurisdiction, or to examine witnesses, except where the Court shall have in the exercise of the power conferred by its charter authorized him so to do, or to interfere with the power of the High Court to make rules concerning advocates, vakils and attorneys.

Provisions not applicable to High Court in original civil or insolvent jurisdiction.

120. (1) The following provisions shall not apply to the High Court in the exercise of its original civil jurisdiction, namely, sections 16, 17 and 20.

(2) Nothing in this Code shall extend or apply to any Judge of a High Court in the exercise of jurisdiction as an Insolvent Court.

PART X.

RULES.

Effect of rules in First Schedule.

121. The rules in the First Schedule shall have effect as if enacted in the body of this Code until annulled or altered in accordance with the provisions of this Part.

Power of certain High Courts to make rules.

122. High Courts established under the Indian High Courts Act, 1861, and the Chief Courts of the Punjab and Lower Burma, may, from time to time after previous publication make rules regulating their own procedure and the procedure of the Civil Courts subject to their superintendence, and may by such rules annul, alter or add to all or any of the rules in the First Schedule. 24 & 25 Vict., c. 104.

Constitution of Rule Committees in certain provinces.

123. (1) A Committee, to be called the Rule Committee, shall be constituted at each of the towns of Calcutta, Madras, Bombay, Allahabad, Lahore and Rangoon.

(2) Each such Committee shall consist of the following persons, namely:—

(a) three Judges of the High Court established at the town at which such Committee is constituted, one of whom at least has served as a District Judge or (in the Punjab or Burma) a Divisional Judge for three years,

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(Part X.—Rules.)

(*b*) a barrister practising in that Court,

(*c*) an advocate (not being a barrister) or vakil or pleader enrolled in that Court,

(*d*) a Judge of a Civil Court subordinate to the High Court, and

(*e*) in the towns of Calcutta, Madras and Bombay, an attorney.

(*3*) The members of each such Committee shall be appointed by the Chief Justice or Chief Judge, who shall also nominate one of their number to be president :

Provided that, if the Chief Justice or Chief Judge elects to be himself a member of a Committee, the number of other Judges appointed to be members shall be two, and the Chief Justice or Chief Judge shall be the President of the Committee.

(*4*) Each member of any such Committee shall hold office for such period as may be prescribed by the Chief Justice or Chief Judge in this behalf ; and whenever any member retires, resigns, dies or ceases to reside in the province in which the Committee was constituted, or becomes incapable of acting as a member of the Committee, the said Chief Justice or Chief Judge may appoint another person to be a member in his stead.

(*5*) There shall be a Secretary to each such Committee, who shall be appointed by the Chief Justice or Chief Judge and shall receive such remuneration as may be provided in this behalf by the Governor General in Council or by the Local Government, as the case may be.

Committee to report to High Court.

124. Every Rule Committee shall make a report to the High Court established at the town at which it is constituted on any proposal to annul, alter or add to the rules in the First Schedule or to make new rules, and before making any rules under section 122 the High Court shall take such report into consideration.

Power of other High Courts to make rules.

125. High Courts, other than the Courts specified in section 122, may exercise the powers conferred by that section in such manner and subject to such conditions as the Governor General in Council may determine :

Provided that any such High Court may, after previous publication, make a rule extending within the local limits of its jurisdiction any rules which have been made by any other High Court.

Rules subject to sanction.

126. Rules made under the foregoing provisions shall be subject to the previous sanction of the following authorities, namely :—

(*a*) if the rule is made by a High Court established under the Indian High Courts Act, 1861, to the sanction of the authority prescribed by section 15 of that Act for rules made under that section;

24 & 25 Vict., c. 104.

(*b*) if the rule is made by any other High Court, to the sanction of the Local Government.

Publication of rules.

127. Rules so made and sanctioned shall be published in the Gazette of India or in the local official Gazette, as the case may be, and shall from the date of publication or from such other date as may be specified have the same force and effect, within the local limits of the jurisdiction of the High Court which made them, as if they had been contained in the First Schedule.

Matters for which rules may provide.

128. (*1*) Such rules shall be not inconsistent with the provisions in the body of this Code, but, subject thereto, may provide for any matters relating to the procedure of Civil Courts.

(*2*) In particular, and without prejudice to the generality of the powers conferred by sub-section (*1*), such rules may provide for all or any of the following matters, namely :—

(*a*) the service of summonses, notices and other processes by post or in any other manner either generally or in any specified areas, and the proof of such service ;

(*b*) the maintenance and custody, while under attachment, of live-stock and other moveable property, the fees payable for such maintenance and custody, the sale of such live-stock and property and the proceeds of such sale ;

(*c*) procedure in suits by way of counter-claim, and the valuation of such suits for the purposes of jurisdiction ;

(*d*) procedure in garnishee and charging orders either in addition to, or in substitution for, the attachment and sale of debts ;

(*e*) procedure where the defendant claims to be entitled to contribution or indemnity over against any person whether a party to the suit or not ;

(*f*) summary procedure—

(*i*) in suits in which the plaintiff seeks only to recover a debt or liquidated demand in money payable by the defendant, with or without interest, arising—

on a contract express or implied ; or

on an enactment where the sum sought to be recovered is a fixed sum of money or in the nature of a debt other than a penalty ; or

on a guarantee, where the claim against the principal is in respect of a debt or a liquidated demand only ; or

on a trust ; or

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(Part XI.—Miscellaneous.)

(*ii*) in suits for the recovery of immoveable property, with or without a claim for rent or mesne profits, by a landlord against a tenant whose term has expired or has been duly determined by notice to quit, or has become liable to forfeiture for non-payment of rent, or against persons claiming under such tenant;

(*g*) procedure by way of originating summons;

(*h*) consolidation of suits, appeals and other proceedings;

(*i*) delegation to any Registrar, Prothonotary or Master or other official of the Court of any judicial, quasi-judicial and non-judicial duties; and

(*j*) all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Civil Courts.

Power of Chartered High Courts to make rules as to their original civil procedure.

24 & 25 Vict., c 104.

129. Notwithstanding anything in this Code, any High Court established under the Indian High Courts Act, 1861, may make such rules not inconsistent with the Letters Patent establishing it to regulate its own procedure in the exercise of its original civil jurisdiction as it shall think fit, and nothing herein contained shall affect the validity of any such rules in force at the commencement of this Code.

Power of other High Courts to make rules as to matters other than procedure.

24 & 25 Vict., c. 104.

130. A High Court not established under the Indian High Courts Act, 1861, may, with the previous sanction of the Local Government, make, with respect to any matter other than procedure, any rule which any High Court so established might, under section 15 of that Act, make with respect to any such matter for any part of the territories under its jurisdiction which is not included within the limits of a Presidency-town.

Publication of rules.

131. Rules made in accordance with section 129 or section 130 shall be published in the Gazette of India or in the local official Gazette, as the case may be, and shall from the date of publication or from such other date as may be specified have the force of law.

PART XI.

MISCELLANEOUS.

Exemption of certain women from personal appearance.

132. (*1*) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public shall be exempt from personal appearance in Court.

(*2*) Nothing herein contained shall be deemed to exempt such women from arrest in execution of civil process in any case in which the arrest of women is not prohibited by this Code.

Exemption of other persons.

133. (*1*) The Local Government may, by notification in the local official Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of such Government, entitles him to the privilege of exemption.

(*2*) The names and residences of the persons so exempted shall, from time to time, be forwarded to the High Court by the Local Government and a list of such persons shall be kept in such Court, and a list of such persons as reside within the local limits of the jurisdiction of each Court subordinate to the High Court shall be kept in such subordinate Court.

(*3*) Where any person so exempted claims the privilege of such exemption, and it is consequently necessary to examine him by commission, he shall pay the costs of that commission, unless the party requiring his evidence pays such costs.

Arrest other than in execution of decree.

134. The provisions of sections 55, 57 and 59 shall apply, so far as may be, to all persons arrested under this Code.

Exemption from arrest under civil process.

135. (*1*) No Judge, Magistrate or other judicial officer shall be liable to arrest under civil process while going to, presiding in, or returning from, his Court.

(*2*) Where any matter is pending before a tribunal having jurisdiction therein, or believing in good faith that it has such jurisdiction, the parties thereto, their pleaders, mukhtars, revenue-agents and recognized agents, and their witnesses acting in obedience to a summons, shall be exempt from arrest under civil process other than process issued by such tribunal for contempt of Court while going to or attending such tribunal for the purpose of such matter, and while returning from such tribunal.

(*3*) Nothing in sub-section (*2*) shall enable a judgment-debtor to claim exemption from arrest under an order for immediate execution or where such judgment-debtor attends to show cause why he should not be committed to prison in execution of a decree.

Procedure where person to be arrested or property to be attached is outside district.

136. (*1*) Where an application is made that any person shall be arrested or that any property shall be attached under any provision of this Code not relating to the execution of decrees, and such person resides or such property is situate out-side the local limits of the jurisdiction of the Court to which the application is made, the Court may, in its discretion, issue a warrant of arrest or make an order of attachment, and send to the District Court within the local limits of whose jurisdiction such person or property resides or is situate a copy of the warrant or order, together with the probable amount of the costs of the arrest or attachment.

(*2*) The District Court shall, on receipt of such copy and amount, cause the arrest or attachment to be made by its own officers, or by a Court

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subordinate to itself, and shall inform the Court which issued or made such warrant or order of the arrest or attachment.

(3) The Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him.

(4) Where a person to be arrested or moveable property to be attached under this section is within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal or at Madras or at Bombay, or of the Chief Court of Lower Burma, the copy of the warrant of arrest or of the order of attachment, and the probable amount of the costs of the arrest or attachment, shall be sent to the Court of Small Causes of Calcutta, Madras, Bombay or Rangoon, as the case may be, and that Court, on receipt of the copy and amount, shall proceed as if it were the District Court.

Language of subordinate Courts.

137. (1) The language which, on the commencement of this Code, is the language of any Court subordinate to a High Court shall continue to be the language of such subordinate Court until the Local Government otherwise directs

(2) The Local Government may declare what shall be the language of any such Court and in what character applications to and proceedings in such Court shall be written.

(3) Where this Code requires or allows anything other than the recording of evidence to be done in writing in any such Court, such writing may be in English; but if any party or his pleader is unacquainted with English a translation into the language of the Court shall, at his request, be supplied to him; and the Court shall make such order as it thinks fit in respect of the payment of the costs of such translation.

Power for Local Government to require evidence to be recorded in English.

138. (1) The Local Government may, by notification in the local official Gazette, direct with respect to any Judge specified in the notification, or falling under a description set forth therein, that evidence in cases in which an appeal is allowed shall be taken down by him in the English language and in manner prescribed.

(2) Where a Judge is prevented by any sufficient reason from complying with a direction under sub-section (1), he shall record the reason and cause the evidence to be taken down in writing from his dictation in open Court.

Oath on affidavit by whom to be administered.

139. In the case of any affidavit under this Code—

(a) any Court or Magistrate, or

(b) any officer or other person whom a High Court may appoint in this behalf, or

(c) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf,

may administer the oath to the deponent.

Assessors in causes of salvage, etc.

140. (1) In any Admiralty or Vice-Admiralty cause of salvage, towage or collision, the Court, whether it be exercising its original or its appellate jurisdiction, may, if it thinks fit, and shall upon request of either party to such cause, summon to its assistance, in such manner as it may direct or as may be prescribed, two competent assessors; and such assessors shall attend and assist accordingly.

(2) Every such assessor shall receive such fees for his attendance, to be paid by such of the parties as the Court may direct or as may be prescribed.

Miscellaneous proceedings.

141. The procedure provided in this Code in regard to suits shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction.

Orders and notices to be in writing.

142. All orders and notices served on or given to any person under the provisions of this Code shall be in writing.

Postage.

143. Postage, where chargeable on a notice, summons or letter issued under this Code and forwarded by post, and the fee for registering the same, shall be paid within a time to be fixed before the communication is made:

Provided that the Local Government, with the previous sanction of the Governor General in Council, may remit such postage, or fee, or both, or may prescribe a scale of court-fees to be levied in lieu thereof.

Application for restitution.

144. (1) Where and in so far as a decree is varied or reversed, the Court of first instance shall, on the application of any party entitled to any benefit by way of restitution or otherwise, cause such restitution to be made as will, so far as may be, place the parties in the position which they would have occupied but for such decree or such part thereof as has been varied or reversed; and, for this purpose, the Court may make any orders, including orders for the refund of costs and for the payment of interest, damages, compensation and mesne profits, which are properly consequential on such variation or reversal.

(2) No suit shall be instituted for the purpose of obtaining any restitution or other relief which could be obtained by application under sub-section (1).

Enforcement of liability of surety.

145. Where any person has become liable as surety—

(a) for the performance of any decree or any part thereof, or

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(*b*) for the restitution of any property taken in execution of a decree, or

(*c*) for the payment of any money, or for the fulfilment of any condition imposed on any person, under an order of the Court in any suit or in any proceeding consequent thereon,

the decree or order may be executed against him, to the extent to which he has rendered himself personally liable, in the manner herein provided for the execution of decrees, and such person shall, for the purposes of appeal, be deemed a party within the meaning of section 47:

Provided that such notice as the Court in each case thinks sufficient has been given to the surety.

Proceedings by or against representatives.

146. Save as otherwise provided by this Code or by any law for the time being in force, where any proceeding may be taken or application made by or against any person, then the proceeding may be taken or the application may be made by or against any person claiming under him.

Consent or agreement by persons under disability.

147. In all suits to which any person under disability is a party, any consent or agreement as to any proceeding shall, if given or made with the express leave of the Court by the next friend or guardian for the suit, have the same force and effect as if such person were under no disability and had given such consent or made such agreement.

Enlargement of time.

148. Where any period is fixed or granted by the Court for the doing of any act prescribed or allowed by this Code, the Court may, in its discretion, from time to time, enlarge such period, even though the period originally fixed or granted may have expired.

Power to make up deficiency of court-fees.

149. Where the whole or any part of any fee prescribed for any document by the law for the time being in force relating to court-fees has not been paid, the Court may, in its discretion, at any stage, allow the person, by whom such fee is payable, to pay the whole or part, as the case may be, of such court-fee; and upon such payment the document, in respect of which such fee is payable, shall have the same force and effect as if such fee had been paid in the first instance.

Transfer of business.

150. Save as otherwise provided, where the business of any Court is transferred to any other Court, the Court to which the business is so transferred shall have the same powers and shall perform the same duties as those respectively conferred and imposed by or under this Code upon the Court from which the business was so transferred.

Saving of inherent powers of Court.

151. Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

Amendment of judgments, decrees or orders.

152. Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties.

General power to amend.

153. The Court may at any time, and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any proceeding in a suit; and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on such proceeding.

Saving of present right of appeal.

154. Nothing in this Code shall affect any present right of appeal which shall have accrued to any party at its commencement.

Amendment of certain Acts.

155. The enactments mentioned in the Fourth Schedule are hereby amended to the extent specified in the fourth column thereof.

Repeals.

156. The enactments mentioned in the Fifth Schedule are hereby repealed to the extent specified in the fourth column thereof.

Continuance of orders under repealed enactments.

157. Notifications published, declarations and rules made, places appointed, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under Act VIII of 1859 or under any Code of Civil Procedure or any Act amending the same or under any other enactment hereby repealed shall, so far as they are consistent with this Code, have the same force and effect as if they had been respectively published, made, appointed, filed, prescribed, framed and conferred under this Code and by the authority empowered thereby in such behalf.

Reference to Code of Civil Procedure and other repealed enactments.

158. In every enactment or notification passed or issued before the commencement of this Code in which reference is made to or to any Chapter or section of Act VIII of 1859 or any Code of Civil Procedure or any Act amending the same or any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding Part, Order, section or rule.

The First Schedule.

ORDER I.

Parties to Suits.

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1. Who may be joined as plaintiffs.
2. Power of Court to order separate trials.
3. Who may be joined as defendants.
4. Court may give judgment for or against one or more of joint parties.
5. Defendant need not be interested in all the relief claimed.
6. Joinder of parties liable on same contract.
7. When plaintiff in doubt from whom redress is to be sought.
8. One person may sue or defend on behalf of all in same interest.
9. Misjoinder and non-joinder.
10. Suit in name of wrong plaintiff.
    Court may strike out or add parties.
    Where defendant added, plaint to be amended.
11. Conduct of suit.
12. Appearance of one of several plaintiffs or defendants for others.
13. Objections as to nonjoinder or misjoinder.

ORDER II.

Frame of Suit.

1. Frame of suit.
2. Suit to include the whole claim.
   Relinquishment of part of claim.
   Omission to sue for one of several reliefs.
3. Joinder of causes of action.
4. Only certain claims to be joined for recovery of immoveable property.
5. Claims by or against executor, administrator or heir.
6. Power of Court to order separate trials.
7. Objections as to misjoinder.

ORDER III.

Recognized Agents and Pleaders.

1. Appearances, etc., may be in person, by recognized agent or by pleader.
2. Recognized agents.
3. Service of process on recognized agent.
4. Appointment of pleader.
5. Service of process on pleader.
6. Agent to accept service.
   Appointment to be in writing and to be filed in Court.

ORDER IV.

Institution of Suits.

1. Suit to be commenced by plaint.
2. Register of suits.

ORDER V.

Issue and Service of Summons.

Issue of Summons.

1. Summons.
2. Copy or statement annexed to summons.
3. Court may order defendant or plaintiff to appear in person.
4. No party to be ordered to appear in person unless resident within certain limits.

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5. Summons to be either to settle issues or for final disposal.
6. Fixing day for appearance of defendant.
7. Summons to order defendant to produce documents relied on by him.
8. On issue of summons for final disposal, defendant to be directed to produce his witnesses.

Service of Summons.

9. Delivery or transmission of summons for service.
10. Mode of service.
11. Service on several defendants.
12. Service to be on defendant in person when practicable, or on his agent.
13. Service on agent by whom defendant carries on business.
14. Service on agent in charge in suits for immoveable property.
15. Where service may be on male member of defendant's family.
16. Person served to sign acknowledgment.
17. Procedure when defendant refuses to accept service, or cannot be found.
18. Endorsement of time and manner of service.
19. Examination of serving officer.
20. Substituted service.
    Effect of substituted service.
    Where service substituted, time for appearance to be fixed.
21. Service of summons where defendant resides within jurisdiction of another Court.
22. Service, within Presidency-towns and Rangoon, of summons issued by Courts outside.
23. Duty of Court to which summons is sent.
24. Service on defendant in prison.
25. Service where defendant resides out of British India and has no agent.
26. Service in foreign territory through Political Agent or Court.
27. Service on civil public officer or on servant of railway company or local authority.
28. Service on soldiers.
29. Duty of person to whom summons is delivered or sent for service.
30. Substitution of letter for summons.

ORDER VI.

Pleadings generally.

1. Pleading.
2. Pleading to state material facts and not evidence.
3. Forms of pleading.
4. Particulars to be given where necessary.
5. Further and better statement, or particulars.
6. Condition precedent.
7. Departure.
8. Denial of contract.
9. Effect of document to be stated.
10. Malice, knowledge, etc.
11. Notice.
12. Implied contract, or relation.
13. Presumptions of law.
14. Pleading to be signed.
15. Verification of pleadings.
16. Striking out pleadings.
17. Amendment of pleadings.
18. Failure to amend after order.

ORDER VII.

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1. Particulars to be contained in plaint.
2. In money suits.
3. Where the subject-matter of the suit is immoveable property.
4. When plaintiff sues as representative.
5. Defendant's interest and liability to be shown.

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6. Grounds of exemption from limitation law.
7. Relief to be specifically stated.
8. Relief founded on separate grounds.
9. Procedure on admitting plaint.
   Concise statements.
10. Return of plaint.
   Procedure on returning plaint.
11. Rejection of plaint.
12. Procedure on rejecting plaint.
13. Where rejection of plaint does not preclude presentation of fresh plaint.

Documents relied on in plaint.

14. Production of document on which plaintiff sues.
   List of other documents.
15. Statement in case of documents not in his possession or power.
16. Suits on lost negotiable instruments.
17. Production of shop-book.
   Original entry to be marked and returned.
18. Inadmissibility of document not produced when plaint filed.

ORDER VIII.

Written Statement and Set-off.

1. Written statement.
2. New facts must be specially pleaded.
3. Denial to be specific.
4. Evasive denial.
5. Specific denial.
6. Particulars of set-off to be given in written statement.
   Effect of set-off.
7. Defence or set-off founded on separate grounds.
8. New ground of defence.
9. Subsequent pleadings.
10. Procedure when party fails to present written statement called for by Court.

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Appearance of Parties and Consequence of Non-appearance.

1. Parties to appear on day fixed in summons for defendant to appear and answer.
2. Dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs.
3. Where neither party appears, suit to be dismissed.
4. Plaintiff may bring fresh suit or Court may restore suit to file.
5. Dismissal of suit where plaintiff, after summons returned unserved, fails for a year to apply for fresh summons.
6. Procedure when only plaintiff appears.
   When summons duly served.
   When summons not duly served.
   When summons served, but not in due time.
7. Procedure where defendant appears on day of adjourned hearing and assigns good cause for previous non-appearance.
8. Procedure where defendant only appears.
9. Decree against plaintiff by default bars fresh suit.
10. Procedure in case of non-attendance of one or more of several plaintiffs.
11. Procedure in case of non-attendance of one or more of several defendants.
12. Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.

Setting aside Decrees ex parte.

13. Setting aside decree *ex parte* against defendant.
14. No decree to be set aside without notice to opposite party.

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ORDER X.

Examination of Parties by the Court.

1. Ascertainment whether allegations in pleadings are admitted or denied.
2. Oral examination of party, or companion of party.
3. Substance of examination to be written.
4. Consequence of refusal or inability of pleader to answer.

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Discovery and Inspection.

1. Discovery by interrogatories.
2. Particular interrogatories to be submitted.
3. Costs of interrogatories.
4. Form of interrogatories.
5. Corporations.
6. Objections to interrogatories by answer.
7. Setting aside and striking out interrogatories.
8. Affidavit in answer, filing.
9. Form of affidavit in answer.
10. No exception to be taken.
11. Order to answer or answer further.
12. Application for discovery of documents.
13. Affidavit of documents.
14. Production of documents.
15. Inspection of documents referred to in pleading or affidavits.
16. Notice to produce.
17. Time for inspection when notice given.
18. Order for inspection.
19. Verified copies.
20. Premature discovery.
21. Non-compliance with order for discovery.
22. Using answers to interrogatories at trial.
23. Order to apply to minors.

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1. Notice of admission of case.
2. Notice to admit documents.
3. Form of notice.
4. Notice to admit facts.
5. Form of admissions.
6. Judgment on admissions.
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8. Notice to produce documents.
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1. Documentary evidence to be produced at first hearing.
2. Effect of non-production of documents.
3. Rejection of irrelevant or inadmissible documents.
4. Endorsements on documents admitted in evidence.
5. Endorsements on copies of admitted entries in books, accounts and records.
6. Endorsements on documents rejected as inadmissible in evidence.
7. Recording of admitted and return of rejected documents.
8. Court may order any document to be impounded.
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10. Court may send for papers from its own records or from other Courts.
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1. Framing of issues.
2. Issues of law and of fact.
3. Materials from which issues may be framed.
4. Court may examine witnesses or documents before framing issues.
5. Power to amend, and strike out, issues.
6. Questions of fact or law may by agreement be stated in form of issues.
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3. Parties at issue.
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1. Summons to attend to give evidence or produce documents.
2. Expenses of witness to be paid into Court on applying for summons.
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   Scale of expenses.
3. Tender of expenses to witness.
4. Procedure where insufficient sum paid in.
   Expenses of witnesses detained more than one day.
5. Time, place and purpose of attendance to be specified in summons.
6. Summons to produce document.
7. Power to require persons present in Court to give evidence or produce document.
8. Summons how served.
9. Time for serving summons.
10. Procedure where witness fails to comply with summons.
11. If witness appears, attachment may be withdrawn.
12. Procedure if witness fails to appear.
13. Mode of attachment.
14. Court may of its own accord summon as witnesses strangers to suit.
15. Duty of persons summoned to give evidence or produce document.
16. When they may depart.
17. Application of rules 10 to 13.
18. Procedure where witness apprehended cannot give evidence or produce document.
19. No witness to be ordered to attend in person unless resident within certain limits.
20. Consequence of refusal of party to give evidence when called on by Court.
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1. Court may grant time and adjourn hearing.
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2. Procedure if parties fail to appear on day fixed.
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ORDER XVIII.

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1. Right to begin.
2. Statement and production of evidence.
3. Evidence where several issues.
4. Witnesses to be examined in open Court.
5. How evidence shall be taken in appealable cases.
6. When deposition to be interpreted.
7. Evidence under section 138.
8. Memorandum when evidence not taken down by Judge.
9. When evidence may be taken in English.
10. Any particular question and answer may be taken down.
11. Questions objected to and allowed by Court.
12. Remarks on demeanour of witnesses.
13. Memorandum of evidence in unappealable cases.
14. Judge unable to make such memorandum to record reasons of his inability.
15. Power to deal with evidence taken before another Judge.
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17. Court may recall and examine witness.
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2. Power to order attendance of deponent for cross-examination.
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1. Judgment when pronounced.
2. Power to pronounce judgment written by Judge's predecessor.
3. Judgment to be signed.
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6. Contents of decree.
7. Date of decree.
8. Procedure where Judge has vacated office before signing decree.
9. Decree for recovery of immoveable property.
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11. Decree may direct payment by instalments.
    Order, after decree, for payment by instalments.
12. Decree for possession and mesne profits.
13. Decree in administration-suit.
14. Decree in pre-emption-suit.
15. Decree in suit for dissolution of partnership.
16. Decree in suit for account between principal and agent.
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18. Decree in suit for partition of property or separate possession of a share therein.
19. Decree when set-off is allowed.
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1. Modes of paying money under decree.
2. Payment out of Court to decree-holder.

Courts executing Decrees.

3. Lands situate in more than one jurisdiction.
4. Transfer to Court of Small Causes.
5. Mode of transfer.
6. Procedure where Court desires that its own decree shall be executed by another Court.
7. Court receiving copies of decree, etc., to file same without proof.
8. Execution of decree or order by Court to which it is sent.
9. Execution by High Court of decree transferred by other Court.

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Application for execution.

10. Application for execution.
11. Oral application.
    Written application.
12. Application for attachment of moveable property not in judgment-debtor's possession.
13. Application for attachment of immoveable property to contain certain particulars.
14. Power to require certified extract from Collector's register in certain cases.
15. Application for execution by joint decree-holder.
16. Application for execution by transferee of decree.
17. Procedure on receiving application for execution of decree.
18. Execution in case of cross-decrees.
19. Execution in case of cross-claims under same decree.
20. Cross-decrees and cross-claims in mortgage-suits.
21. Simultaneous execution.
22. Notice to show cause against execution in certain cases.
23. Procedure after issue of notice.

Process for execution.

24. Process for execution.
25. Endorsement on process.

Stay of execution.

26. When Court may stay execution.
    Power to require security from, or impose conditions upon, judgment-debtor.
27. Liability of judgment-debtor discharged.
28. Order of Court which passed decree or of appellate Court to be binding upon Court applied to.
29. Stay of execution pending suit between decree-holder and judgment-debtor.

Mode of execution.

30. Decree for payment of money.
31. Decree for specific moveable property.
32. Decree for specific performance for restitution of conjugal rights or for an injunction.
33. Discretion of Court in executing decrees for restitution of conjugal rights.
34. Decree for execution of document, or endorsement of negotiable instrument.
35. Decree for immoveable property.
36. Decree for delivery of immoveable property when in occupancy of tenant.

Arrest and detention in the civil prison.

37. Discretionary power to permit judgment-debtor to show cause against detention in prison.
38. Warrant for arrest to direct judgment-debtor to be brought up.
39. Subsistence-allowance.
40. Proceedings on appearance of judgment-debtor in obedience to notice or after arrest.

Attachment of property.

41. Examination of judgment-debtor as to his property.
42. Attachment in case of decree for rent or mesne profits or other matter, amount of which to be subsequently determined.
43. Attachment of moveable property, other than agricultural produce, in possession of judgment-debtor.
44. Attachment of agricultural produce.
45. Provisions as to agricultural produce under attachment.
46. Attachment of debt, share and other property not in possession of judgment-debtor.
47. Attachment of share in moveables.
48. Attachment of salary or allowances of public officer or servant of railway company or local authority.

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49. Attachment of partnership property.
50. Execution of decree against firm.
51. Attachment of negotiable instruments.
52. Attachment of property in custody of Court or public officer.
53. Attachment of decrees.
54. Attachment of immoveable property.
55. Removal of attachment after satisfaction of decree.
56. Order for payment of coin or currency notes to party entitled under decree.
57. Determination of attachment.

Investigation of claims and objections.

58. Investigation of claims to, and objections to attachment of, attached property.
    Postponement of sale.
59. Evidence to be adduced by claimant.
60. Release of property from attachment.
61. Disallowance of claim to property attached.
62. Continuance of attachment subject to claim of incumbrancer.
63. Saving of suits to establish right to attached property.

Sale generally.

64. Power to order property attached to be sold and proceeds to be paid to person entitled.
65. Sales by whom conducted and how made.
66. Proclamation of sales by public auction.
67. Mode of making proclamation.
68. Time of sale.
69. Adjournment or stoppage of sale.
70. Saving of certain sales.
71. Defaulting purchaser answerable for loss on re-sale.
72. Decree-holder not to bid for or buy property without permission.
    Where decree-holder purchases, amount of decree may be taken as payment.
73. Restriction on bidding or purchase by officers.

Sale of moveable property.

74. Sale of agricultural produce.
75. Special provisions relating to growing crops.
76. Negotiable instruments and shares in corporations.
77. Sale by public auction.
78. Irregularity not to vitiate sale, but any person injured may sue.
79. Delivery of moveable property, debts and shares.
80. Transfer of negotiable instruments and shares.
81. Vesting order in case of other property.

Sale of immoveable property.

82. What Courts may order sales.
83. Postponement of sale to enable judgment-debtor to raise amount of decree.
84. Deposit by purchaser and re-sale on default.
85. Time for payment in full of purchase-money.
86. Procedure in default of payment.
87. Notification on re-sale.
88. Bid of co-sharer to have preference.
89. Application to set aside sale on deposit.
90. Application to set aside sale on ground of irregularity or fraud.
91. Application by purchaser to set aside sale on ground of judgment-debtor having no saleable interest.
92. Sale when to become absolute or be set aside.
93. Return of purchase-money in certain cases.
94. Certificate to purchaser.
95. Delivery of property in occupancy of judgment-debtor.
96. Delivery of property in occupancy of tenant.

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Resistance to delivery of possession to decree-holder or purchaser.

97. Resistance or obstruction to possession of immoveable property.
98. Resistance or obstruction by judgment-debtor.
99. Resistance or obstruction by *bonâ fide* claimant.
100. Dispossession by decree-holder or purchaser.
101. *Bonâ fide* claimant to be restored to possession.
102. Rules not applicable to transferee *lite pendente*.
103. Orders conclusive subject to regular suit.

ORDER XXII.

Death, Marriage and Insolvency of Parties.

1. No abatement by party's death, if right to sue survives.
2. Procedure where one of several plaintiffs or defendants dies and right to sue survives.
3. Procedure in case of death of one of several plaintiffs or of sole plaintiff.
4. Procedure in case of death of one of several defendants or of sole defendant.
5. Determination of question as to legal representative.
6. No abatement by reason of death after hearing.
7. Suit not abated by marriage of female party.
8. When plaintiff's insolvency bars suit.
   Procedure where assignee fails to continue suit or give security.
9. Effect of abatement or dismissal.
10. Procedure in case of assignment before final order in suit.
11. Application of Order to appeals.
12. Application of Order to proceedings.

ORDER XXIII.

Withdrawal and Adjustment of Suits.

1. Withdrawal of suit or abandonment of part of claim.
2. Limitation law not affected by first suit.
3. Compromise of suit.
4. Proceedings in execution of decrees not affected.

ORDER XXIV.

Payment into Court.

1. Deposit by defendant of amount in satisfaction of claim.
2. Notice of deposit.
3. Interest on deposit not allowed to plaintiff after notice.
4. Procedure where plaintiff accepts deposit as satisfaction in part.
   Procedure where he accepts it as satisfaction in full.

ORDER XXV.

Security for Costs.

1. When security for costs may be required from plaintiff.
   Residence out of British India.
2. Effect of failure to furnish security.

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ORDER XXVI.

Commissions.

Commissions to examine witnesses.

1. Cases in which Court may issue commission to examine witness.
2. Order for commission.
3. Where witness resides within Court's jurisdiction.
4. Persons for whose examination commission may issue.
5. Commission or Request to examine witness not within British India.
6. Court to examine witness pursuant to commission.
7. Return of commission with depositions of witnesses.
8. When depositions may be read in evidence.

Commissions for local investigations.

9. Commissions to make local investigations.
10. Procedure of Commissioner.
    Report and depositions to be evidence in suit.
    Commissioner may be examined in person.

Commissions to examine accounts.

11. Commission to examine or adjust accounts.
12. Court to give Commissioner necessary instructions.
    Proceedings and report to be evidence.
    Court may direct further inquiry.

Commissions to make partitions.

13. Commission to make partition of immoveable property.
14. Procedure of Commissioner.

General provisions.

15. Expenses of commission to be paid into Court.
16. Powers of Commissioners.
17. Attendance and examination of witnesses before Commissioner.
18. Parties to appear before Commissioner.

ORDER XXVII.

Suits by or against the Government or Public Officers in their official capacity.

1. Suits by or against Government.
2. Persons authorized to act for Government.
3. Plaints in suits by or against Government.
4. Agent for Government to receive process.
5. Fixing of day for appearance on behalf of Government.
6. Attendance of person able to answer questions relating to suit against Government.
7. Extension of time to enable public officer to make reference to Government.
8. Procedure in suits against public officer.

ORDER XXVIII.

Suits by or against Military Men.

1. Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them.
2. Persons so authorized may act personally or appoint pleader.
3. Service on person so authorized, or on his pleader, to be good service.

ORDER XXIX.

Suits by or against Corporations.

1. Subscription and verification of pleading.
2. Service on corporation.
3. Power to require personal attendance of officer of corporation.

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ORDER XXX.

Suits by or against Firms and Persons carrying on business in names other than their own.

1. Suing of partners in name of firm.
2. Disclosure of partners' names.
3. Service.
4. Right of suit on death of partner.
5. Notice in what capacity served.
6. Appearance of partners.
7. No appearance except by partners.
8. Appearance under protest.
9. Suits between co-partners.
10. Suit against person carrying on business in name other than his own.

ORDER XXXI.

Suits by or against Trustees, Executors and Administrators.

1. Representation of beneficiaries in suits concerning property vested in trustees, etc.
2. Joinder of trustees, executors and administrators.
3. Husband of married executrix not to join.

ORDER XXXII.

Suits by or against Minors and Persons of Unsound Mind.

1. Minor to sue by next friend.
2. Where suit is instituted without next friend, plaint to be taken off the file.
3. Guardian for the suit to be appointed by Court for minor defendant.
4. Who may act as next friend or be appointed guardian for the suit.
5. Representation of minor by next friend or guardian for the suit.
6. Receipt by next friend or guardian for the suit of property under decree for minor.
7. Agreement or compromise by next friend or guardian for the suit.
8. Retirement of next friend.
9. Removal of next friend.
10. Stay of proceedings on removal, etc., of next friend.
11. Retirement, removal or death of guardian for the suit.
12. Course to be followed by minor plaintiff or applicant on attaining majority.
13. Where minor co-plaintiff attaining majority desires to repudiate suit.
14. Unreasonable or improper suit.
15. Application of rules to persons of unsound mind.
16. Saving for Princes and Chiefs.

ORDER XXXIII.

Suits by Paupers.

1. Suits may be instituted *in formâ pauperis*.
2. Contents of application.
3. Presentation of application.
4. Examination of applicant.
   If presented by agent, Court may order applicant to be examined by commission.
5. Rejection of application.
6. Notice of day for receiving evidence of applicant's pauperism.
7. Procedure at hearing.
8. Procedure if application admitted.
9. Dispaupering.
10. Costs where pauper succeeds.
11. Procedure where pauper fails.
12. Government may apply for payment of court-fees.
13. Government to be deemed a party.
14. Copy of decree to be sent to Collector.
15. Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.
16. Costs.

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ORDER XXXIV.

Suits relating to Mortgages of Immoveable Property.

1. Parties to suits for foreclosure, sale and redemption.
2. Preliminary decree in foreclosure-suit.
3. Final decree in foreclosure-suit.
   Power to enlarge time.
   Discharge of debt.
4. Preliminary decree in suit for sale.
   Power to decree sale in foreclosure-suit.
5. Final decree in suit for sale.
6. Recovery of balance due on mortgage.
7. Preliminary decree in redemption-suit.
8. Final decree in redemption-suit.
   Power to enlarge time.
9. Decree where nothing is found due or where mortgagee has been overpaid.
10. Costs of mortgagee subsequent to decree.
11. Right of mesne mortgagee to redeem and foreclose.
12. Sale of property subject to prior mortgage.
13. Application of proceeds.
14. Suit for sale necessary to bring mortgaged property to sale.
15. Charges.

ORDER XXXV.

Interpleader.

1. Plaint in interpleader-suit.
2. Payment of thing claimed into Court.
3. Procedure where defendant is suing plaintiff.
4. Procedure at first hearing.
5. Agents and tenants may not institute interpleader-suits.
6. Charge for plaintiff's costs.

ORDER XXXVI.

Special Case.

1. Power to state case for Court's opinion.
2. Where value of subject-matter must be stated.
3. Agreement to be filed and registered as suit.
4. Parties to be subject to Court's jurisdiction.
5. Hearing and disposal of case.

ORDER XXXVII.

Summary Procedure on Negotiable Instruments.

1. Application of Order.
2. Institution of summary suits upon bills of exchange, etc.
3. Defendant showing defence on merits to have leave to appear.
4. Power to set aside decree.
5. Power to order bill, etc., to be deposited with officer of Court.
6. Recovery of cost of noting non-acceptance of dishonoured bill or note.
7. Procedure in suits.

ORDER XXXVIII.

Arrest and Attachment before judgment.

Arrest before judgment.

1. Where defendant may be called upon to furnish security for appearance.
2. Security.
3. Procedure on application by surety to be discharged.
4. Procedure where defendant fails to furnish security or find fresh security.

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Attachment before judgment.

5. Where defendant may be called upon to furnish security for production of property.
6. Attachment where cause not shown or security not furnished.
7. Mode of making attachment.
8. Investigation of claim to property attached before judgment.
9. Removal of attachment when security furnished or suit dismissed.
10. Attachment before judgment not to affect rights of strangers, nor bar decree-holder from applying for sale.
11. Property attached before judgment not to be re-attached in execution of decree.
12. Agricultural produce not attachable before judgment.

ORDER XXXIX.

Temporary Injunctions and Interlocutory Orders.

Temporary injunctions.

1. Cases in which temporary injunction may be granted.
2. Injunction to restrain repetition or continuance of breach.
3. Before granting injunction, Court to direct notice to opposite party.
4. Order for injunction may be discharged, varied or set aside.
5. Injunction to corporation binding on its officers.

Interlocutory orders.

6. Power to order interim sale.
7. Detention, preservation, inspection, etc., of subject-matter of suit.
8. Application for such orders to be after notice.
9. When party may be put in immediate possession of land the subject-matter of suit.
10. Deposit of money, etc., in Court.

ORDER XL.

Appointment of Receivers.

1. Appointment of receivers.
2. Remuneration.
3. Duties.
4. Enforcement of receiver's duties.
5. When Collector may be appointed receiver.

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1. Form of appeal.
   What to accompany memorandum.
   Contents of memorandum.
2. Grounds which may be taken in appeal.
3. Rejection or amendment of memorandum.
4. One of several plaintiffs or defendants may obtain reversal of whole decree where it proceeds on ground common to all.

Stay of proceedings and of execution.

5. Stay by Appellate Court.
   Stay by Court which passed the decree.
6. Security in case of order for execution of decree appealed from.
7. No security to be required from the Government or a public officer in certain cases.
8. Exercise of powers in appeal from order made in execution of decree.

Procedure on admission of appeal.

9. Registry of memorandum of appeal.
   Register of appeals.
10. Appellate Court may require appellant to furnish security for costs.
    Where appellant resides out of British India.
11. Power to dismiss appeal without sending notice to Lower Court
12. Day for hearing appeal.

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13. Appellate Court to give notice to Court whose decree appealed from.
    Transmission of papers to Appellate Court.
    Copies of exhibits in Court whose decree appealed from.
14. Publication and service of notice of day for hearing appeal.
    Appellate Court may itself cause notice to be served.
15. Contents of notice.

Procedure on hearing.

16. Right to begin.
17. Dismissal of appeal for appellant's default.
    Hearing appeal *ex parte*.
18. Dismissal of appeal where notice not served in consequence of appellant's failure to deposit costs.
19. Re-admission of appeal dismissed for default.
20. Power to adjourn hearing, and direct persons appearing interested to be made respondents.
21. Re-hearing on application of respondent against whom *ex parte* decree made.
22. Upon hearing, respondent may object to decree as if he had preferred separate appeal.
    Form of objection and provisions applicable thereto.
23. Remand of case by Appellate Court.
24. Where evidence on record sufficient, Appellate Court may determine case finally.
25. Where Appellate Court may frame issues and refer them for trial to Court whose decree appealed from.
26. Findings and evidence to be put on record.
    Objections to finding.
    Determination of appeal.
27. Production of additional evidence in Appellate Court.
28. Mode of taking additional evidence.
29. Points to be defined and recorded.

Judgment in appeal.

30. Judgment when and where pronounced.
31. Contents, date and signature of judgment.
32. What judgment may direct.
33. Power of Court of Appeal.
34. Dissent to be recorded.

Decree in appeal.

35. Date and contents of decree.
    Judge dissenting from judgment need not sign decree.
36. Copies of judgment and decree to be furnished to parties.
37. Certified copy of decree to be sent to Court whose decree appealed from.

ORDER XLII.

Appeals from Appellate Decrees.

1. Procedure.

ORDER XLIII.

Appeals from Orders.

1. Appeals from orders.
2. Procedure.

ORDER XLIV.

Pauper Appeals.

1. Who may appeal as pauper.
   Procedure on application for admission of appeal.
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Appeals to the King in Council.

1. "Decree" defined.
2. Application to Court whose decree complained of.
3. Certificate as to value or fitness.
4. Consolidation of suits.

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5. Remission of dispute to Court of first instance.
6. Effect of refusal of certificate.
7. Security and deposit required on grant of certificate.
8. Admission of appeal and procedure thereon.
9. Revocation of acceptance of security.
10. Power to order further security or payment.
11. Effect of failure to comply with order.
12. Refund of balance deposit.
13. Powers of Court pending appeal.
14. Increase of security found inadequate.
15. Procedure to enforce orders of King in Council.
16. Appeal from order relating to execution.

ORDER XLVI.

Reference.

1. Reference of question to High Court.
2. Court may pass decree contingent upon decision of High Court.
3. Judgment of High Court to be transmitted, and case disposed of accordingly.
4. Costs of reference to High Court.
5. Power to alter, etc., decree of Court making reference.
6. Power to refer to High Court questions as to jurisdiction in small causes.
7. Power to District Court to submit for revision proceedings had under mistake as to jurisdiction in small causes.

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1. Application for review of judgment.
2. To whom applications for review may be made.
3. Form of applications for review.
4. Application where rejected.
   Application where granted.
5. Application for review in Court consisting of two or more Judges.
6. Application where rejected.
7. Order of rejection not appealable.
   Objections to order granting application.
8. Registry of application granted, and order for rehearing.
9. Bar of certain applications.

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ORDER XLVIII.

Miscellaneous.

1. Process to be served at expense of party issuing. Costs of service.
2. Orders and notices how served.
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1. Who may serve processes of High Court.
2. Saving in respect of Chartered High Courts.
3. Application of rules.

ORDER L.

Provincial Small Cause Courts.

1. Provincial Small Cause Courts.

ORDER LI.

Presidency Small Cause Courts.

1. Presidency Small Cause Courts.

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FORMS.

A.—PLEADINGS.

1. Titles of suits.
2. Description of parties in particular cases.
3. Plaints.
4. Written statements.

B.—PROCESS.

C.—DISCOVERY, INSPECTION AND ADMISSION.

D.—DECREES.

E.—EXECUTION.

F.—SUPPLEMENTAL PROCEEDINGS.

G.—APPEAL, REFERENCE AND REVIEW.

H.—MISCELLANEOUS.

The Code of Civil Procedure 1908.

(The First Schedule.)

(Order I.—Parties to Suits. Order II.—Frame of Suit.)

(The marginal references are to Orders of the English Rules.)

The First Schedule.

ORDER I.

Parties to Suits.

Who may be joined as plaintiffs.

1. All persons may be joined in one suit as plaintiffs in whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist, whether jointly, severally or in the alternative, where, if such persons brought separate suits, any common question of law or fact would arise.

Power of Court to order separate trials.

2. Where it appears to the Court that any joinder of plaintiffs may embarrass or delay the trial of the suit, the Court may put the plaintiffs to their election or order separate trials or make such other order as may be expedient.

Who may be joined as defendants.

3. All persons may be joined as defendants against whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist, whether jointly, severally or in the alternative, where if separate suits were brought against such persons any common question of law or fact would arise.

Court may give judgment for or against one or more of joint parties.

4. Judgment may be given without any amendment—

(*a*) for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to;

(*b*) against such one or more of the defendants as may be found to be liable, according to their respective liabilities.

Defendant need not be interested in all the relief claimed.

5. It shall not be necessary that every defendant shall be interested as to all the relief claimed in any suit against him.

Joinder of parties liable on same contract.

6. The plaintiff may, at his option, join as parties to the same suit all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange, hundis and promissory notes.

When plaintiff in doubt from whom redress is to be sought.

7. Where the plaintiff is in doubt as to the person from whom he is entitled to obtain redress, he may join two or more defendants in order that the question as to which of the defendants is liable, and to what extent, may be determined as between all parties.

One person may sue or defend on behalf of all in same interest.

8. (*1*) Where there are numerous persons having the same interest in one suit, one or more of such persons may, with the permission of the Court, sue or be sued, or may defend, in such suit, on behalf of or for the benefit of all persons so interested. But the Court shall in such case give, at the plaintiff's expense, notice of the institution of the suit to all such persons either by personal service, or, where from the number of persons or any other cause such service is not reasonably practicable, by public advertisement, as the Court in each case may direct.

(*2*) Any person on whose behalf or for whose benefit a suit is instituted or defended under sub-rule (*1*) may apply to the Court to be made a party to such suit.

Misjoinder and non-joinder.

9. No suit shall be defeated by reason of the misjoinder or non-joinder of parties, and the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it.

Suit in name of wrong plaintiff.

10. (*1*) Where a suit has been instituted in the name of the wrong person as plaintiff or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may at any stage of the suit, if satisfied that the suit has been instituted through a *bona fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person to be substituted or added as plaintiff upon such terms as the Court thinks just.

Court may strike out or add parties.

(*2*) The Court may at any stage of the proceedings either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(*3*) No person shall be added as a plaintiff suing without a next friend or as the next friend of a plaintiff under any disability without his consent.

Where defendant added, plaint to be amended.

(*4*) Where a defendant is added, the plaint shall, unless the Court otherwise directs, be amended in such manner as may be necessary, and amended copies of the summons and of the plaint shall be served on the new defendant and, if the Court thinks fit, on the original defendant.

(*5*) Subject to the provisions of the Indian Limitation Act, 1877, section 22, the proceedings as against any person added as defendant shall be deemed to have begun only on the service of the summons. XV of 1877.

Conduct of suit.

11. The Court may give the conduct of the suit to such person as it deems proper.

Appearance of one of several plaintiffs or defendants for others.

12. (*1*) Where there are more plaintiffs than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any proceeding; and in like manner, where there are more defendants than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any proceeding.

(*2*) The authority shall be in writing signed by the party giving it and shall be filed in Court.

Objections as to non-joinder or misjoinder.

13. All objections on the ground of non-joinder or misjoinder of parties shall be taken at the earliest possible opportunity and, in all cases where issues are settled, at or before such settlement, unless the ground of objection has subsequently arisen, and any such objection not so taken shall be deemed to have been waived.

ORDER II.

Frame of Suit.

Frame of suit.

1. Every suit shall as far as practicable be framed so as to afford ground for final decision upon the subjects in dispute and to prevent further litigation concerning them.

Suit to include the whole claim.

2. (*1*) Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

Relinquishment of part of claim.

(*2*) Where a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Omission to sue for one of several reliefs.

(*3*) A person entitled to more than one relief in respect of the same cause of action may sue for all or any of such reliefs; but if he omits, except with the leave of the Court, to sue for all such reliefs, he shall not afterwards sue for any relief so omitted.

Explanation.—For the purposes of this rule an obligation and a collateral security for its performance and successive claims arising under the same obligation shall be deemed respectively to constitute but one cause of action.

The Code of Civil Procedure 1908.

(The First Schedule.)

(Order II.—Frame of Suit. Order III.—Recognized Agents and Pleaders. Order IV.—Institution of Suits.)

Illustration.

A lets a house to B at a yearly rent of Rs. 1,200. The rent for the whole of the years 1905, 1906 and 1907 is due and unpaid. A sues B in 1908 only for the rent due for 1906. A shall not afterwards sue B for the rent due for 1905 or 1907.

Joinder of causes of action.

3. Save as otherwise provided, a plaintiff may unite in the same suit several causes of action against the same defendant, or the same defendants jointly; and any plaintiffs having causes of action in which they are jointly interested against the same defendant or the same defendants jointly may unite such causes of action in the same suit.

(2) Where causes of action are united, the jurisdiction of the Court as regards the suit shall depend on the amount or value of the aggregate subject-matters at the date of instituting the suit.

Only certain claims to be joined for recovery of immoveable property.

4. No cause of action shall, unless with the leave of the Court, be joined with a suit for the recovery of immoveable property, except—

(a) claims for mesne profits or arrears of rent in respect of the property claimed or any part thereof;

(b) claims for damages for breach of any contract under which the property or any part thereof is held; and

(c) claims in which the relief sought is based on the same cause of action:

Provided that nothing in this rule shall be deemed to prevent any party in a suit for foreclosure or redemption from asking to be put into possession of the mortgaged property.

Claims by or against executor, administrator or heir.

5. No claim by or against an executor, administrator or heir, as such, shall be joined with claims by or against him personally, unless the last-mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor, administrator or heir, or are such as he was entitled to, or liable for, jointly with the deceased person whom he represents.

Power of Court to order separate trials.

6. Where it appears to the Court that any causes of action joined in one suit cannot be conveniently tried or disposed of together, the Court may order separate trials or make such other order as may be expedient.

Objections as to misjoinder.

7. All objections on the ground of misjoinder of causes of action shall be taken at the earliest possible opportunity and, in all cases where issues are settled, at or before such settlement, unless the ground of objection has subsequently arisen, and any such objection not so taken shall be deemed to have been waived.

ORDER III.

Recognized Agents and Pleaders.

Appearances, etc., may be in person, by recognized agent or by pleader.

1. Any appearance, application or act in or to any Court, required or authorized by law to be made or done by a party in such Court, may, except where otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the Court so directs, be made by the party in person.

Recognized agents.

2. The recognized agents of parties by whom such appearances, applications and acts may be made or done are—

(a) persons holding powers-of-attorney, authorizing them to make and do such appearances, applications and acts on behalf of such parties;

(b) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

Service of process on recognized agent.

3. (1) Processes served on the recognized agent of a party shall be as effectual as if the same had been served on the party in person, unless the Court otherwise directs.

(2) The provisions for the service of process on a party to a suit shall apply to the service of process on his recognized agent.

Appointment of pleader.

4. (1) The appointment of a pleader to make or do any appearance, application or act for any person shall be in writing, and shall be signed by such person or by his recognized agent or by some other person duly authorized by power-of-attorney to act in this behalf.

(2) Every such appointment, when accepted by a pleader, shall be filed in Court, and shall be considered to be in force until determined with the leave of the Court, by a writing signed by the client or the pleader, as the case may be, and filed in Court, or until the client or the pleader dies or until all proceedings in the suit are ended so far as regards the client.

(3) No advocate of any High Court established under the Indian High Courts Act, 1861, or of any Chief Court, and no advocate of any other High Court who is a barrister shall be required to present any document empowering him to act.

Service of process on pleader.

5. Any process served on the pleader of any party or left at the office or ordinary residence of such pleader, and whether the same is for the personal appearance of the party or not, shall be presumed to be duly communicated and made known to the party whom the pleader represents, and, unless the Court otherwise directs, shall be as effectual for all purposes as if the same had been given to or served on the party in person.

Agent to accept service.

6. (1) Besides the recognized agents described in rule 2 any person residing within the jurisdiction of the Court may be appointed an agent to accept service of process.

Appointment to be in writing and to be filed in Court.

(2) Such appointment may be special or general and shall be made by an instrument in writing signed by the principal, and such instrument or, if the appointment is general, a certified copy thereof shall be filed in Court.

ORDER IV.

Institution of Suits.

Suit to be commenced by plaint.

1. (1) Every suit shall be instituted by presenting a plaint to the Court or such officer as it appoints in this behalf.

(2) Every plaint shall comply with the rules contained in Orders VI and VII, so far as they are applicable.

Register of suits.

2. The Court shall cause the particulars of every suit to be entered in a book to be kept for the purpose and called the register of civil suits. Such entries shall be numbered in every year according to the order in which the plaints are admitted.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order V.—Issue and Service of Summons.)

ORDER V.

Issue and Service of Summons.

Issue of Summons.

Summons.

1. (1) When a suit has been duly instituted a summons may be issued to the defendant to appear and answer the claim on a day to be therein specified:

Provided that no such summons shall be issued when the defendant has appeared at the presentation of the plaint and admitted the plaintiff's claim.

(2) A defendant to whom a summons has been issued under sub-rule (1) may appear—

(a) in person, or

(b) by a pleader duly instructed and able to answer all material questions relating to the suit, or

(c) by a pleader accompanied by some person able to answer all such questions.

(3) Every such summons shall be signed by the Judge or such officer as he appoints, and shall be sealed with the seal of the Court.

Copy or statement annexed to summons.

2. Every summons shall be accompanied by a copy of the plaint or, if so permitted, by a concise statement.

Court may order defendant or plaintiff to appear in person.

3. (1) Where the Court sees reason to require the personal appearance of the defendant, the summons shall order him to appear in person in Court on the day therein specified.

(2) Where the Court sees reason to require the personal appearance of the plaintiff on the same day, it shall make an order for such appearance.

No party to be ordered to appear in person unless resident within certain limits.

4. No party shall be ordered to appear in person unless he resides—

(a) within the local limits of the Court's ordinary original jurisdiction, or

(b) without such limits but at a place less than fifty or (where there is railway or steamer communication or other established public conveyance for five-sixths of the distance between the place where he resides and the place where the Court is situate) less than two hundred miles distance from the court-house.

Summons to be either to settle issues or for final disposal.

5. The Court shall determine, at the time of issuing the summons, whether it shall be for the settlement of issues only, or for the final disposal of the suit; and the summons shall contain a direction accordingly:

Provided that, in every suit heard by a Court of Small Causes, the summons shall be for the final disposal of the suit.

Fixing day for appearance of defendant.

6. The day for the appearance of the defendant shall be fixed with reference to the current business of the Court, the place of residence of the defendant and the time necessary for the service of the summons; and the day shall be so fixed as to allow the defendant sufficient time to enable him to appear and answer on such day.

Summons to order defendant to produce documents relied on by him.

7. The summons to appear and answer shall order the defendant to produce all documents in his possession or power upon which he intends to rely in support of his case.

On issue of summons for final disposal, defendant to be directed to produce his witnesses.

8. Where the summons is for the final disposal of the suit, it shall also direct the defendant to produce, on the day fixed for his appearance, all witnesses upon whose evidence he intends to rely in support of his case.

Service of Summons.

Delivery or transmission of summons for service.

9. (1) Where the defendant resides within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within that jurisdiction who is empowered to accept the service of the summons, the summons shall, unless the Court otherwise directs, be delivered or sent to the proper officer to be served by him or one of his subordinates.

(2) The proper officer may be an officer of a Court other than that in which the suit is instituted, and, where he is such an officer, the summons may be sent to him by post or in such other manner as the Court may direct.

Mode of service.

10. Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he appoints in this behalf, and sealed with the seal of the Court.

Service on several defendants.

11. Save as otherwise prescribed, where there are more defendants than one, service of the summons shall be made on each defendant.

Service to be on defendant in person when practicable, or on his agent.

12. Wherever it is practicable, service shall be made on the defendant in person, unless he has an agent empowered to accept service, in which case service on such agent shall be sufficient.

Service on agent by whom defendant carries on business.

13. (1) In a suit relating to any business or work against a person who does not reside within the local limits of the jurisdiction of the Court from which the summons is issued, service on any manager or agent, who, at the time of service, personally carries on such business or work for such person within such limits, shall be deemed good service.

(2) For the purpose of this rule the master of a ship shall be deemed to be the agent of the owner or charterer.

Service on agent in charge in suits for immoveable property.

14. Where in a suit to obtain relief respecting, or compensation for wrong to, immoveable property, service cannot be made on the defendant in person, and the defendant has no agent empowered to accept the service, it may be made on any agent of the defendant in charge of the property.

Where service may be on male member of defendant's family.

15. Where in any suit the defendant cannot be found and has no agent empowered to accept service of the summons on his behalf, service may be made on any adult male member of the family of the defendant who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this rule.

Person served to sign acknowledgment.

16. Where the serving officer delivers or tenders a copy of the summons to the defendant personally, or to an agent or other person on his behalf, he shall require the signature of the person to

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(*The First Schedule.*)

(*Order V.—Issue and Service of Summons.*)

whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

Procedure when defendant refuses to accept service, or cannot be found.

17. Where the defendant or his agent or such other person as aforesaid refuses to sign the acknowledgment, or where the serving officer, after using all due and reasonable diligence, cannot find the defendant, and there is no agent empowered to accept service of the summons on his behalf, nor any other person on whom service can be made, the serving officer shall affix a copy of the summons on the outer door or some other conspicuous part of the house in which the defendant ordinarily resides or carries on business or personally works for gain, and shall then return the original to the Court from which it was issued, with a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, and the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed.

Endorsement of time and manner of service.

18. The serving officer shall, in all cases in which the summons has been served under rule 16, endorse or annex, or cause to be endorsed or annexed, on or to the original summons, a return stating the time when and the manner in which the summons was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons.

Examination of serving officer.

19. Where a summons is returned under rule 17, the Court shall, if the return under that rule has not been verified by the affidavit of the serving officer, and may, if it has been so verified, examine the serving officer on oath, or cause him to be so examined by another Court, touching his proceedings, and may make such further inquiry in the matter as it thinks fit; and shall either declare that the summons has been duly served or order such service as it thinks fit.

Substituted service.

20. (*1*) Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house (if any) in which the defendant is known to have last resided or carried on business or personally worked for gain, or in such other manner as the Court thinks fit.

Effect of substituted service.

(*2*) Service substituted by order of the Court shall be as effectual as if it had been made on the defendant personally.

Where service substituted, time for appearance to be fixed.

(*3*) Where service is substituted by order of the Court, the Court shall fix such time for the appearance of the defendant as the case may require.

Service of summons where defendant resides within jurisdiction of another Court.

21. A summons may be sent by the Court by which it is issued, whether within or without the province, either by one of its officers or by post to any Court (not being the High Court) having jurisdiction in the place where the defendant resides.

Service, within Presidency-towns and Rangoon, of summons issued by Courts outside.

22. Where a summons issued by any Court established beyond the limits of the towns of Calcutta, Madras, Bombay and Rangoon is to be served within any such limits, it shall be sent to the Court of Small Causes within whose jurisdiction it is to be served.

Duty of Court to which summons is sent.

23. The Court to which a summons is sent under rule 21 or rule 22 shall, upon receipt thereof, proceed as if it had been issued by such Court and shall then return the summons to the Court of issue, together with the record (if any) of its proceedings with regard thereto.

Service on defendant in prison.

24. Where the defendant is confined in a prison, the summons shall be delivered or sent by post or otherwise to the officer in charge of the prison for service on the defendant.

Service where defendant resides out of British India and has no agent.

25. Where the defendant resides out of British India and has no agent in British India empowered to accept service, the summons shall be addressed to the defendant at the place where he is residing and sent to him by post, if there is postal communication between such place and the place where the Court is situate.

Service in foreign territory through Political Agent or Court.

26. Where—

(*a*) in the exercise of any foreign jurisdiction vested in His Majesty or in the Governor General in Council, a Political Agent has been appointed, or a Court has been established or continued, with power to serve a summons issued by a Court under this Code in any foreign territory in which the defendant resides, or

(*b*) the Governor General in Council has, by notification in the Gazette of India, declared that any summons so issued may be served by any Court situate in any such territory and not established or continued in the exercise of any such jurisdiction as aforesaid,

the summons may be sent to such Political Agent or Court, by post or otherwise, for the purpose of being served upon the defendant; and, if the Political Agent or Court returns the summons with an endorsement signed by such Political Agent or by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of service.

Service on civil public officer or on servant of railway company or local authority.

27. Where the defendant is a public officer (not belonging to His Majesty's military or naval forces or His Majesty's Indian Marine Service), or is the servant of a railway company or local authority, the Court may, if it appears to it that the summons may be most conveniently so served, send it for service on the defendant to the head of the office in which he is employed, together with a copy to be retained by the defendant.

Service on soldiers.

28. Where the defendant is a soldier, the Court shall send the summons for service to his commanding officer together with a copy to be retained by the defendant.

Duty of person to whom summons is delivered or sent for service.

29. (*1*) Where a summons is delivered or sent to any person for service under rule 24, rule 27 or rule 28, such person shall be bound to serve it, if possible, and to return it under his signature, with the written acknowledgment of the defendant, and such signature shall be deemed to be evidence of service.

(*2*) Where from any cause service is impossible, the summons shall be returned to the Court with a full statement of such cause and of the steps taken to procure service, and such statement shall be deemed to be evidence of non-service.

Substitution of letter for summons.

30. (*1*) The Court may, notwithstanding anything hereinbefore contained, substitute for a summons a letter signed by the Judge or such officer as he may appoint in this behalf, where the defendant is, in the opinion of the Court, of a rank entitling him to such mark of consideration.

The Code of Civil Procedure 1908.

(The First Schedule.)

(Order VI.—Pleadings generally. Order VII.—Plaint.)

(2) A letter substituted under sub-rule (1) shall contain all the particulars required to be stated in a summons, and, subject to the provisions of sub-rule (3), shall be treated in all respects as a summons.

(3) A letter so substituted may be sent to the defendant by post or by a special messenger selected by the Court, or in any other manner which the Court thinks fit; and, where the defendant has an agent empowered to accept service, the letter may be delivered or sent to such agent.

ORDER VI.

Pleadings generally.

Pleading.

1. "Pleading" shall mean plaint or written statement.

Pleading to state material facts and not evidence.

2. Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies for his claim or defence, as the case may be, but not the evidence by which they are to be proved, and shall, when necessary, be divided into paragraphs, numbered consecutively. Dates, sums and numbers shall be expressed in figures.

Forms of pleading.

3. The forms in Appendix A when applicable, and where they are not applicable forms of the like character, as nearly as may be, shall be used for all pleadings.

Particulars to be given where necessary.

4. In all cases in which the party pleading relies on any misrepresentation, fraud, breach of trust, wilful default, or undue influence, and in all other cases in which particulars may be necessary beyond such as are exemplified in the forms aforesaid, particulars (with dates and items if necessary) shall be stated in the pleading.

Further and better statement, or particulars.

5. A further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading, may in all cases be ordered, upon such terms, as to costs and otherwise, as may be just.

Condition precedent.

6. Any condition precedent, the performance or occurrence of which is intended to be contested, shall be distinctly specified in his pleading by the plaintiff or defendant, as the case may be; and, subject thereto, an averment of the performance or occurrence of all conditions precedent necessary for the case of the plaintiff or defendant shall be implied in his pleading.

Departure.

7. No pleading shall, except by way of amendment, raise any new ground of claim or contain any allegation of fact inconsistent with the previous pleadings of the party pleading the same.

Denial of contract.

8. Where a contract is alleged in any pleading, a bare denial of the same by the opposite party shall be construed only as a denial in fact of the express contract alleged or of the matters of fact from which the same may be implied, and not as a denial of the legality or sufficiency in law of such contract.

Effect of document to be stated.

9. Wherever the contents of any document are material, it shall be sufficient in any pleading to state the effect thereof as briefly as possible, without setting out the whole or any part thereof, unless the precise words of the document or any part thereof are material.

Malice, knowledge, etc.

10. Wherever it is material to allege malice, fraudulent intention, knowledge or other condition of the mind of any person, it shall be sufficient to allege the same as a fact without setting out the circumstances from which the same is to be inferred.

Notice.

11. Wherever it is material to allege notice to any person of any fact, matter or thing, it shall be sufficient to allege such notice as a fact, unless the form or the precise terms of such notice, or the circumstances from which such notice is to be inferred, are material.

Implied contract, or relation.

12. Whenever any contract or any relation between any persons is to be implied from a series of letters or conversations or otherwise from a number of circumstances, it shall be sufficient to allege such contract or relation as a fact, and to refer generally to such letters, conversations or circumstances without setting them out in detail. And if in such case the person so pleading desires to rely in the alternative upon more contracts or relations than one as to be implied from such circumstances, he may state the same in the alternative.

Presumptions of law.

13. Neither party need in any pleading allege any matter of fact which the law presumes in his favour or as to which the burden of proof lies upon the other side unless the same has first been specifically denied, (*e.g.*, consideration for a bill of exchange where the plaintiff sues only on the bill, and not for the consideration as a substantive ground of claim).

Pleading to be signed.

14. Every pleading shall be signed by the party and his pleader (if any): Provided that where a party pleading is, by reason of absence or for other good cause, unable to sign the pleading, it may be signed by any person duly authorized by him to sign the same or to sue or defend on his behalf.

Verification of pleadings.

15. (1) Save as otherwise provided by any law for the time being in force, every pleading shall be verified at the foot by the party or by one of the parties pleading or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case.

(2) The person verifying shall specify, by reference to the numbered paragraphs of the pleading, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

(3) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

Striking out pleadings.

16. The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading which may be unnecessary or scandalous or which may tend to prejudice, embarrass or delay the fair trial of the suit.

Amendment of pleadings.

17. The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

Failure to amend after order.

18. If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby limited then within fourteen days from the date of the order, he shall not be permitted to amend after the expiration of such limited time as aforesaid or of such fourteen days, as the case may be, unless the time is extended by the Court.

ORDER VII.

Plaint.

Particulars to be contained in plaint.

1. The plaint shall contain the following particulars:—

(a) the name of the Court in which the suit is brought

The Code of Civil Procedure 1908.

(*The First Schedule.*)

(*Order VII.—Plaint.*)

(*b*) the name, description and place of residence of the plaintiff;

(*c*) the name, description and place of residence of the defendant, so far as they can be ascertained

(*d*) where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect;

(*e*) the facts constituting the cause of action and when it arose;

(*f*) the facts showing that the Court has jurisdiction;

(*g*) the relief which the plaintiff claims;

(*h*) where the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished; and

(*i*) a statement of the value of the subject-matter of the suit for the purposes of jurisdiction and of court-fees, so far as the case admits.

In money suits.

2. Where the plaintiff seeks the recovery of money, the plaint shall state the precise amount claimed:

But where the plaintiff sues for mesne profits, or for an amount which will be found due to him on taking unsettled accounts between him and the defendant, the plaint shall state approximately the amount sued for.

Where the subject-matter of the suit is immoveable property.

3. Where the subject-matter of the suit is immoveable property, the plaint shall contain a description of the property sufficient to identify it, and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, the plaint shall specify such boundaries or numbers.

When plaintiff sues as representative.

4. Where the plaintiff sues in a representative character, the plaint shall show not only that he has an actual existing interest in the subject-matter, but that he has taken the steps (if any) necessary to enable him to institute a suit concerning it.

Defendant's interest and liability to be shown.

5. The plaint shall show that the defendant is or claims to be interested in the subject-matter, and that he is liable to be called upon to answer the plaintiff's demand.

Grounds of exemption from limitation law.

6. Where the suit is instituted after the expiration of the period prescribed by the law of limitation, the plaint shall show the ground upon which exemption from such law is claimed.

Relief to be specifically stated.

7. Every plaint shall state specifically the relief which the plaintiff claims either simply or in the alternative, and it shall not be necessary to ask for general or other relief which may always be given as the Court may think just to the same extent as if it had been asked for. And the same rule shall apply to any relief claimed by the defendant in his written statement.

Relief founded on separate grounds.

8. Where the plaintiff seeks relief in respect of several distinct claims or causes of action founded upon separate and distinct grounds, they shall be stated as far as may be separately and distinctly.

Procedure on admitting plaint.

9. (*1*) The plaintiff shall endorse on the plaint, or annex thereto, a list of the documents (if any) which he has produced along with it; and, if the plaint is admitted, shall present as many copies on plain paper of the plaint as there are defendants, unless the Court by reason of the length of the plaint or the number of the defendants, or for any other sufficient reason,

Concise statements.

permits him to present a like number of concise statements of the nature of the claim made, or of the relief claimed in the suit, in which case he shall present such statements.

(*2*) Where the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, such statements shall show in what capacity the plaintiff or defendant sues or is sued.

(*3*) The plaintiff may, by leave of the Court, amend such statements so as to make them correspond with the plaint.

(*4*) The chief ministerial officer of the Court shall sign such list and copies or statements if, on examination, he finds them to be correct.

Return of plaint.

10. (*1*) The plaint shall at any stage of the suit be returned to be presented to the Court in which the suit should have been instituted.

Procedure on returning plaint.

(*2*) On returning a plaint the Judge shall endorse thereon the date of its presentation and return, the name of the party presenting it, and a brief statement of the reasons for returning it.

Rejection of plaint.

11. The plaint shall be rejected in the following cases:—

(*a*) where it does not disclose a cause of action:

(*b*) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so:

(*c*) where the relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so:

(*d*) where the suit appears from the statement in the plaint to be barred by any law.

Procedure on rejecting plaint.

12. Where a plaint is rejected the Judge shall record an order to that effect with the reasons for such order.

Where rejection of plaint does not preclude presentation of fresh plaint.

13. The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

Documents relied on in plaint.

Production of document on which plaintiff sues.

14. (*1*) Where a plaintiff sues upon a document in his possession or power, he shall produce it in Court when the plaint is presented, and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

List of other documents.

(*2*) Where he relies on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

Statement in case of documents not in his possession or power.

15. Where any such document is not in the possession or power of the plaintiff, he shall, if possible, state in whose possession or power it is.

Suits on lost negotiable instruments.

16. Where the suit is founded upon a negotiable instrument, and it is proved that the instrument is lost, and an indemnity is given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, the Court may pass such decree as it would have passed if the plaintiff had produced the instrument in Court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

The Code of Civil Procedure 1908.

(The First Schedule.)

(Order VII.—Plaint. Order VIII.—Written Statement and Set-off.)

VIII of 1891. Production of shop-book.

17. (*1*) Save in so far as is otherwise provided by the Bankers' Books Evidence Act, 1891, where the document on which the plaintiff sues is an entry in a shop-book or other account, in his possession or power, the plaintiff shall produce the book or account at the time of filing the plaint, together with a copy of the entry on which he relies.

Original entry to be marked and returned.

(*2*) The Court, or such officer as it appoints in this behalf, shall forthwith mark the document for the purpose of identification; and, after examining and comparing the copy with the original, shall, if it is found correct, certify it to be so and return the book to the plaintiff and cause the copy to be filed.

Inadmissibility of document not produced when plaint filed.

18. (*1*) A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

(*2*) Nothing in this rule applies to documents produced for cross-examination of the defendant's witnesses, or in answer to any case set up by the defendant or handed to a witness merely to refresh his memory.

ORDER VIII.

Written Statement and Set-off.

Written statement.

1. The defendant may, and, if so required by the Court, shall at or before the first hearing or within such time as the Court may permit, present a written statement of his defence.

New facts must be specially pleaded.

2. The defendant must raise by his pleading all matters which show the suit not to be maintainable, or that the transaction is either void or voidable in point of law, and all such grounds of defence as, if not raised, would be likely to take the opposite party by surprise, or would raise issues of fact not arising out of the plaint, as, for instance, fraud, limitation, release, payment, performance, or facts showing illegality.

Denial to be specific.

3. It shall not be sufficient for a defendant in his written statement to deny generally the grounds alleged by the plaintiff, but the defendant must deal specifically with each allegation of fact of which he does not admit the truth, except damages.

Evasive denial.

4. Where a defendant denies an allegation of fact in the plaint, he must not do so evasively, but answer the point of substance. Thus, if it is alleged that he received a certain sum of money, it shall not be sufficient to deny that he received that particular amount, but he must deny that he received that sum or any part thereof, or else set out how much he received. And if an allegation is made with divers circumstances, it shall not be sufficient to deny it along with those circumstances.

Specific denial.

5. Every allegation of fact in the plaint, if not denied specifically or by necessary implication, or stated to be not admitted in the pleading of the defendant, shall be taken to be admitted except as against a person under disability:

Provided that the Court may in its discretion require any fact so admitted to be proved otherwise than by such admission.

Particulars of set-off to be given in written statement.

6. (*1*) Where in a suit for the recovery of money the defendant claims to set off against the plaintiff's demand any ascertained sum of money legally recoverable by him from the plaintiff, not exceeding the pecuniary limits of the jurisdiction of the Court, and both parties fill the same character as they fill in the plaintiff's suit, the defendant may, at the first hearing of the suit, but not afterwards unless permitted by the Court, present a written statement containing the particulars of the debt sought to be set off.

Effect of set-off.

(*2*) The written statement shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment in respect both of the original claim and of the set-off: but this shall not affect the lien, upon the amount decreed, of any pleader in respect of the costs payable to him under the decree.

(*3*) The rules relating to a written statement by a defendant apply to a written statement in answer to a claim of set-off.

Illustrations.

(*a*) A bequeaths Rs. 2,000 to B and appoints C his executor and residuary legatee. B dies and D takes out administration to B's effects. C pays Rs. 1,000 as surety for D; then D sues C for the legacy. C cannot set off the debt of Rs. 1,000 against the legacy, for neither C nor D fills the same character with respect to the legacy as they fill with respect to the payment of the Rs. 1,000.

(*b*) A dies intestate and in debt to B. C takes out administration to A's effects and B buys part of the effects from C. In a suit for the purchase-money by C against B, the latter cannot set off the debt against the price, for C fills two different characters, one as the vendor to B, in which he sues B, and the other as representative to A.

(*c*) A sues B on a bill of exchange. B alleges that A has wrongfully neglected to insure B's goods and is liable to him in compensation which he claims to set off. The amount not being ascertained cannot be set off.

(*d*) A sues B on a bill of exchange for Rs. 500. B holds a judgment against A for Rs. 1,000. The two claims being both definite pecuniary demands may be set off.

(*e*) A sues B for compensation on account of trespass. B holds a promissory note for Rs. 1,000 from A and claims to set off that amount against any sum that A may recover in the suit. B may do so, for, as soon as A recovers, both sums are definite pecuniary demands.

(*f*) A and B sue C for Rs. 1,000. C cannot set off a debt due to him by A alone.

(*g*) A sues B and C for Rs. 1,000. B cannot set off a debt due to him alone by A.

(*h*) A owes the partnership firm of B and C Rs. 1,000. B dies, leaving C surviving. A sues C for a debt of Rs. 1,500 due in his separate character. C may set off the debt of Rs. 1,000.

Defence or set-off founded on separate grounds.

7. Where the defendant relies upon several distinct grounds of defence or set-off founded upon separate and distinct facts, they shall be stated, as far as may be, separately and distinctly.

New ground of defence.

8. Any ground of defence which has arisen after the institution of the suit or the presentation of a written statement claiming a set-off may be raised by the defendant or plaintiff, as the case may be, in his written statement.

Subsequent pleadings.

9. No pleading subsequent to the written statement of a defendant other than by way of defence to a set-off shall be presented except by the leave of the Court and upon such terms as the Court thinks fit, but the Court may at any time require a written statement or additional written statement from any of the parties and fix a time for presenting the same.

Procedure when party fails to present written statement called for by Court.

10. Where any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pronounce judgment against him, or make such order in relation to the suit as it thinks fit.

The Code of Civil Procedure 1908.

(The First Schedule.)

(Order IX.—Appearance of Parties and Consequence of Non-appearance.)

ORDER IX.

Appearance of Parties and Consequence of Non-appearance.

Parties to appear on day fixed in summons for defendant to appear and answer.

1. On the day fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the Court-house in person or by their respective pleaders, and the suit shall then be heard unless the hearing is adjourned to a future day fixed by the Court.

Dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs.

2. Where on the day so fixed it is found that the summons has not been served upon the defendant in consequence of the failure of the plaintiff to pay the court-fee or postal charges (if any) chargeable for such service, the Court may make an order that the suit be dismissed :

Provided that no such order shall be made although the summons has not been served upon the defendant, if on the day fixed for him to appear and answer he attends in person or by agent when he is allowed to appear by agent.

Where neither party appears, suit to be dismissed.

3. Where neither party appears when the suit is called on for hearing, the Court may make an order that the suit be dismissed.

Plaintiff may bring fresh suit or Court may restore suit to file.

4. Where a suit is dismissed under rule 2 or rule 3, the plaintiff may (subject to the law of limitation) bring a fresh suit, or he may apply for an order to set the dismissal aside, and if he satisfies the Court that there was sufficient cause for his not paying the court-fee and postal charges (if any) required within the time fixed before the issue of the summons, or for his non-appearance, as the case may be, the Court shall make an order setting aside the dismissal and shall appoint a day for proceeding with the suit.

Dismissal of suit where plaintiff, after summons returned unserved, fails for a year to apply for fresh summons.

5. (1) Where, after a summons has been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails for a period of one year from the date of the return made to the Court by the officer ordinarily certifying to the Court returns made by the serving officers, to apply for the issue of a fresh summons and to satisfy the Court that he has used his best endeavours to discover the residence of the defendant who has not been served, or that such defendant is avoiding service of process, the Court may make an order that the suit be dismissed as against such defendant.

(2) In such case the plaintiff may (subject to the law of limitation) bring a fresh suit.

Procedure when only plaintiff appears.

6. (1) Where the plaintiff appears and the defendant does not appear when the suit is called on for hearing, then—

When summons duly served.

(a) if it is proved that the summons was duly served, the Court may proceed *ex parte ;*

When summons not duly served.

(b) if it is not proved that the summons was duly served, the Court shall direct a second summons to be issued and served on the defendant ;

When summons served, but not in due time.

(c) if it is proved that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and shall direct notice of such day to be given to the defendant.

(2) Where it is owing to the plaintiff's default that the summons was not duly served or was not served in sufficient time, the Court shall order the plaintiff to pay the costs occasioned by the postponement.

Procedure where defendant appears on day of adjourned hearing and assigns good cause for previous non-appearance.

7. Where the Court has adjourned the hearing of the suit *ex parte*, and the defendant, at or before such hearing, appears and assigns good cause for his previous non-appearance, he may, upon such terms as the Court directs as to costs or otherwise, be heard in answer to the suit as if he had appeared on the day fixed for his appearance.

Procedure where defendant only appears.

8. Where the defendant appears and the plaintiff does not appear when the suit is called on for hearing, the Court shall make an order that the suit be dismissed, unless the defendant admits the claim, or part thereof, in which case the Court shall pass a decree against the defendant upon such admission, and, where part only of the claim has been admitted, shall dismiss the suit so far as it relates to the remainder.

Decree against plaintiff by default bars fresh suit.

9. (1) Where a suit is wholly or partly dismissed under rule 8, the plaintiff shall be precluded from bringing a fresh suit in respect of the same cause of action. But he may apply for an order to set the dismissal aside, and if he satisfies the Court that there was sufficient cause for his non-appearance when the suit was called on for hearing, the Court shall make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

(2) No order shall be made under this rule unless notice of the application has been served on the opposite party.

Procedure in case of non-attendance of one or more of several plaintiffs.

10. Where there are more plaintiffs than one, and one or more of them appear, and the others do not appear, the Court may, at the instance of the plaintiff or plaintiffs appearing, permit the suit to proceed in the same way as if all the plaintiffs had appeared, or make such order as it thinks fit.

Procedure in case of non-attendance of one or more of several defendants.

11. Where there are more defendants than one, and one or more of them appear and the others do not appear, the suit shall proceed, and the Court shall, at the time of pronouncing judgment, make such order as it thinks fit with respect to the defendants who do not appear.

Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.

12. Where a plaintiff or defendant, who has been ordered to appear in person, does not appear in person, or show sufficient cause to the satisfaction of the Court for failing so to appear, he shall be subject to all the provisions of the foregoing rules applicable to plaintiffs and defendants, respectively, who do not appear.

Setting aside Decrees ex parte.

Setting aside decree *ex parte* against defendant.

13. In any case in which a decree is passed *ex parte* against a defendant, he may apply to the Court by which the decree was passed for an order to set it aside; and if he satisfies the Court that the summons was not duly served, or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall make an order setting aside the decree as against him upon such terms as to costs, payment into Court or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit :

Provided that where the decree is of such a nature that it cannot be set aside as against such defendant only it may be set aside as against all or any of the other defendants also.

No decree to be set aside without notice to opposite party.

14. No decree shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order X.—Examination of Parties by the Court. Order XI.—Discovery and Inspection.)

ORDER X.

Examination of Parties by the Court.

Ascertainment whether allegations in pleadings are admitted or denied.

1. At the first hearing of the suit the Court shall ascertain from each party or his pleader whether he admits or denies such allegations of fact as are made in the plaint or written statement (if any) of the opposite party, and as are not expressly or by necessary implication admitted or denied by the party against whom they are made. The Court shall record such admissions and denials.

Oral examination of party, or companion of party.

2. At the first hearing of the suit, or at any subsequent hearing, any party appearing in person or present in Court, or any person able to answer any material questions relating to the suit by whom such party or his pleader is accompanied, may be examined orally by the Court: and the Court may, if it thinks fit, put in the course of such examination questions suggested by either party.

Substance of examination to be written.

3. The substance of the examination shall be reduced to writing by the Judge, and shall form part of the record.

Consequence of refusal or inability of pleader to answer.

4. (1) Where the pleader of any party who appears by a pleader or any such person accompanying a pleader as is referred to in rule 2, refuses or is unable to answer any material question relating to the suit which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day and direct that such party shall appear in person on such day.

(2) If such party fails without lawful excuse to appear in person on the day so appointed, the Court may pronounce judgment against him, or make such order in relation to the suit as it thinks fit.

ORDER XI.

Discovery and Inspection.

Discovery by interrogatories.

1. In any suit the plaintiff or defendant by leave of the Court may deliver interrogatories in writing for the examination of the opposite parties or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer: Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose: Provided also that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.

Particular interrogatories to be submitted.

2. On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the Court. In deciding upon such application, the Court shall take into account any offer, which may be made by the party sought to be interrogated, to deliver particulars, or to make admissions, or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the Court shall consider necessary either for disposing fairly of the suit or for saving costs.

Costs of interrogatories.

3. In adjusting the costs of the suit inquiry shall at the instance of any party be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing officer or of the Court, either with or without an application for inquiry that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.

Form of interrogatories.

4. Interrogatories shall be in Form No. 2 in Appendix C, with such variations as circumstances may require.

Corporations.

5. Where any party to a suit is a corporation or a body of persons, whether incorporated or not, empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member or officer of such corporation or body, and an order may be made accordingly.

Objections to interrogatories by answer.

6. Any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited *bonâ fide* for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage, or on any other ground, may be taken in the affidavit in answer.

Setting aside and striking out interrogatories.

7. Any interrogatories may be set aside on the ground that they have been exhibited unreasonably or vexatiously, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous; and any application for this purpose may be made within seven days after service of the interrogatories.

Affidavit in answer, filing.

8. Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the Court may allow.

Form of affidavit in answer.

9. An affidavit in answer to interrogatories shall be in Form No. 3 in Appendix C, with such variations as circumstances may require.

No exception to be taken.

10. No exceptions shall be taken to any affidavit in answer, but the sufficiency or otherwise of any such affidavit objected to as insufficient shall be determined by the Court.

Order to answer or answer further.

11. Where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the Court for an order requiring him to answer, or to answer further, as the case may be. And an order may be made requiring him to answer or answer further, either by affidavit or by *vivâ voce* examination, as the Court may direct.

Application for discovery of documents.

12. Any party may, without filing any affidavit, apply to the Court for an order directing any other party to any suit to make discovery on oath of the documents which are or have been in his possession or power, relating to any matter in question therein. On the hearing of such application the Court may either refuse or adjourn the same, if satisfied that such discovery is not necessary, or not necessary at that stage of the suit, or make such order, either generally or limited to certain classes of documents, as may, in its discretion, be thought fit: Provided that discovery shall not be ordered when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

Affidavit of documents.

13. The affidavit to be made by a party against whom such order as is mentioned in the last preceding rule has been made, shall specify which (if any) of the documents therein mentioned he objects to produce, and it shall be in Form No. 5 in Appendix C, with such variations as circumstances may require.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XI.—Discovery and Inspection.)

Production of documents.

14. It shall be lawful for the Court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.

Inspection of documents referred to in pleadings or affidavits.

15. Every party to a suit shall be entitled at any time to give notice to any other party, in whose pleadings or affidavits reference is made to any document, to produce such document for the inspection of the party giving such notice, or of his pleader, and to permit him or them to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence on his behalf in such suit unless he shall satisfy the Court that such document relates only to his own title, he being a defendant to the suit, or that he had some other cause or excuse which the Court shall deem sufficient for not complying with such notice, in which case the Court may allow the same to be put in evidence on such terms as to costs and otherwise as the Court shall think fit.

Notice to produce.

16. Notice to any party to produce any documents referred to in his pleading or affidavits shall be in Form No. 7 in Appendix C, with such variations as circumstances may require.

Time for inspection when notice given.

17. The party to whom such notice is given shall, within ten days from the receipt of such notice, deliver to the party giving the same a notice stating a time within three days from the delivery thereof at which the documents, or such of them as he does not object to produce, may be inspected at the office of his pleader, or in the case of bankers' books or other books of account or books in constant use for the purposes of any trade or business, at their usual place of custody, and stating which (if any) of the documents he objects to produce, and on what ground. Such notice shall be in Form No. 8 in Appendix C, with such variations as circumstances may require.

Order for inspection.

18. (*1*) Where the party served with notice under rule 15 omits to give such notice of a time for inspection or objects to give inspection, or offers inspection elsewhere than at the office of his pleader, the Court may, on the application of the party desiring it, make an order for inspection in such place and in such manner as it may think fit: Provided that the order shall not be made when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

(*2*) Any application to inspect documents, except such as are referred to in the pleadings, particulars or affidavits of the party against whom the application is made or disclosed in his affidavit of documents, shall be founded upon an affidavit showing of what documents inspection is sought, that the party applying is entitled to inspect them, and that they are in the possession or power of the other party. The Court shall not make such order for inspection of such documents when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

Verified copies

19. (*1*) Where inspection of any business books is applied for, the Court may, if it thinks fit, instead of ordering inspection of the original books, order a copy of any entries therein to be furnished and verified by the affidavit of some person who has examined the copy with the original entries, and such affidavit shall state whether or not there are in the original book any and what erasures, interlineations or alterations: Provided that, notwithstanding that such copy has been supplied, the Court may order inspection of the book from which the copy was made.

(*2*) Where on an application for an order for inspection privilege is claimed for any document, it shall be lawful for the Court to inspect the document for the purpose of deciding as to the validity of the claim of privilege.

(*3*) The Court may, on the application of any party to a suit at any time, and whether an affidavit of documents shall or shall not have already been ordered or made, make an order requiring any other party to state by affidavit whether any one or more specific documents, to be specified in the application, is or are, or has or have at any time been, in his possession or power; and, if not then in his possession, when he parted with the same and what has become thereof. Such application shall be made on an affidavit stating that in the belief of the deponent the party against whom the application is made has, or has at some time had, in his possession or power the document or documents specified in the application, and that they relate to the matters in question in the suit, or to some of them.

Premature discovery.

20. Where the party from whom discovery of any kind or inspection is sought objects to the same, or any part thereof, the Court may, if satisfied that the right to the discovery or inspection sought depends on the determination of any issue or question in dispute in the suit, or that for any other reason it is desirable that any issue or question in dispute in the suit should be determined before deciding upon the right to the discovery or inspection, order that such issue or question be determined first, and reserve the question as to the discovery or inspection.

Non-compliance with order for discovery.

21. Where any party fails to comply with any order to answer interrogatories, or for discovery or inspection of documents, he shall, if a plaintiff, be liable to have his suit dismissed for want of prosecution, and, if a defendant, to have his defence, if any, struck out, and to be placed in the same position as if he had not defended, and the party interrogating or seeking discovery or inspection may apply to the Court for an order to that effect, and an order may be made accordingly.

Using answers to interrogatories at trial.

22. Any party may, at the trial of a suit, use in evidence any one or more of the answers or any part of an answer of the opposite party to interrogatories without putting in the others or the whole of such answer: Provided always that in such case the Court may look at the whole of the answers, and if it shall be of opinion that any others of them are so connected with those put in that the last-mentioned answers ought not to be used without them, it may direct them to be put in.

Order to apply to minors.

23. This Order shall apply to minor plaintiffs and defendants, and to the next friends and guardians for the suit of persons under disability.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XII.—Admissions. Order XIII.—Production, Impounding and Return of Documents.)

ORDER XII.

Admissions.

Notice of admission of case.

1. Any party to a suit may give notice, by his pleading, or otherwise in writing, that he admits the truth of the whole or any part of the case of any other party.

Notice to admit documents.

2. Either party may call upon the other party to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, after such notice, the costs of proving any such document shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise directs; and no costs of proving any document shall be allowed unless such notice is given, except where the omission to give the notice is, in the opinion of the Court, a saving of expense.

Form of notice.

3. A notice to admit documents shall be in Form No. 9 in Appendix C, with such variations as circumstances may require.

Notice to admit facts.

4. Any party may, by notice in writing, at any time not later than nine days before the day fixed for the hearing, call on any other party to admit, for the purposes of the suit only, any specific fact or facts mentioned in such notice. And in case of refusal or neglect to admit the same within six days after service of such notice, or within such further time as may be allowed by the Court, the costs of proving such fact or facts shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise directs: Provided that any admission made in pursuance of such notice is to be deemed to be made only for the purposes of the particular suit, and not as an admission to be used against the party on any other occasion or in favour of any person other than the party giving the notice: Provided also that the Court may at any time allow any party to amend or withdraw any admission so made on such terms as may be just.

Form of admissions.

5. A notice to admit facts shall be in Form No. 10 in Appendix C, and admissions of facts shall be in Form No. 11 in Appendix C, with such variations as circumstances may require.

Judgment on admissions.

6. Any party may at any stage of a suit, where admissions of fact have been made, either on the pleadings, or otherwise, apply to the Court for such judgment or order as upon such admissions he may be entitled to, without waiting for the determination of any other question between the parties: and the Court may upon such application make such order, or give such judgment, as the Court may think just.

Affidavit of signature.

7. An affidavit of the pleader or his clerk, of the due signature of any admissions made in pursuance of any notice to admit documents or facts, shall be sufficient evidence of such admissions, if evidence thereof is required.

Notice to produce documents.

8. Notice to produce documents shall be in Form No. 12 in Appendix C, with such variations as circumstances may require. An affidavit of the pleader, or his clerk, of the service of any notice to produce, and of the time when it was served, with a copy of the notice to produce, shall in all cases be sufficient evidence of the service of the notice, and of the time when it was served.

Costs.

9. If a notice to admit or produce specifies documents which are not necessary, the costs occasioned thereby shall be borne by the party giving such notice.

ORDER XIII.

Production, Impounding and Return of Documents.

Documentary evidence to be produced at first hearing.

1. (*1*) The parties or their pleaders shall produce, at the first hearing of the suit, all the documentary evidence of every description in their possession or power, on which they intend to rely, and which has not already been filed in Court, and all documents which the Court has ordered to be produced.

(*2*) The Court shall receive the documents so produced: provided that they are accompanied by an accurate list thereof prepared in such form as the High Court directs.

Effect of non-production of documents.

2. No documentary evidence in the possession or power of any party which should have been but has not been produced in accordance with the requirements of rule 1 shall be received at any subsequent stage of the proceedings unless good cause is shown to the satisfaction of the Court for the non-production thereof; and the Court receiving any such evidence shall record the reasons for so doing.

Rejection of irrelevant or inadmissible documents.

3. The Court may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection.

Endorsements on documents admitted in evidence.

4. (*1*) Subject to the provisions of the next following sub-rule, there shall be endorsed on every document which has been admitted in evidence in the suit the following particulars, namely:—

(*a*) the number and title of the suit,

(*b*) the name of the person producing the document,

(*c*) the date on which it was produced, and

(*d*) a statement of its having been so admitted;

and the endorsement shall be signed or initialled by the Judge.

(*2*) Where a document so admitted is an entry in a book, account or record, and a copy thereof has been substituted for the original under the next following rule, the particulars aforesaid shall be endorsed on the copy and the endorsement thereon shall be signed or initialled by the Judge.

Endorsements on copies of admitted entries in books, accounts and records.

5. (*1*) Save in so far as is otherwise provided by the Bankers' Books Evidence Act, 1891, where a document admitted in evidence in the suit is an entry in a letter-book or a shop-book or other account in current use, the party on whose behalf the book or account is produced may furnish a copy of the entry. VIII of 1891.

(*2*) Where such a document is an entry in a public record produced from a public office or by a public officer, or an entry in a book or account belonging to a person other than a party on whose behalf the book or account is produced, the Court may require a copy of the entry to be furnished—

(*a*) where the record, book or account is produced on behalf of a party, then by that party, or

(*b*) where the record, book or account is produced in obedience to an order of the Court acting of its own motion, then by either or any party.

(*3*) Where a copy of an entry is furnished under the foregoing provisions of this rule, the Court shall, after causing the copy to be examined, compared and certified in manner mentioned in rule 17 of Order VII, mark the entry and cause the book, account or record in which it occurs to be returned to the person producing it.

Endorsements on documents rejected as inadmissible in evidence.

6. Where a document relied on as evidence by either party is considered by the Court to be inadmissible in evidence, there shall be endorsed thereon the particulars mentioned in clauses (*a*), (*b*) and (*c*) of rule 4, sub-rule (*1*), together with a statement of its having been rejected, and the endorsement shall be signed or initialled by the Judge.

Recording of admitted and return of rejected documents.

7. (*1*) Every document which has been admitted in evidence, or a copy thereof where a copy has been substituted for the original under rule 5, shall form part of the record of the suit.

(*2*) Documents not admitted in evidence shall not form part of the record and shall be returned to the persons respectively producing them.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XIII.—Production, Impounding and Return of Documents. Order XIV.—Settlement of Issues and Determination of Suit on Issues of Law or on Issues agreed upon.)

Court may order any document to be impounded.

8. Notwithstanding anything contained in rule 5 or rule 7 of this Order or in rule 17 of Order VII, the Court may, if it sees sufficient cause, direct any document or book produced before it in any suit to be impounded and kept in the custody of an officer of the Court, for such period and subject to such conditions as the Court thinks fit.

Return of admitted documents.

9. (*1*) Any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record shall, unless the document is impounded under rule 8, be entitled to receive back the same,—

(*a*) where the suit is one in which an appeal is not allowed, when the suit has been disposed of, and

(*b*) where the suit is one in which an appeal is allowed, when the Court is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred or, if an appeal has been preferred, when the appeal has been disposed of:

Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefor delivers to the proper officer a certified copy to be substituted for the original and undertakes to produce the original if required to do so:

Provided also that no document shall be returned which, by force of the decree, has become wholly void or useless.

(*2*) On the return of a document admitted in evidencet a receipt shall be given by the person receiving it.

Court may send for papers from its own records or from other Courts.

10. (*1*) The Court may of its own motion, and may in its discretion upon the application of any of the parties to a suit, send for, either from its own records or from any other Court, the record of any other suit or proceeding, and inspect the same.

(*2*) Every application made under this rule shall (unless the Court otherwise directs) be supported by an affidavit showing how the record is material to the suit in which the application is made, and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purposes of justice.

(*3*) Nothing contained in this rule shall be deemed to enable the Court to use in evidence any document which under the law of evidence would be inadmissible in the suit.

Provisions as to documents applied to material objects.

11. The provisions herein contained as to documents shall, so far as may be, apply to all other material objects producible as evidence.

ORDER XIV.

Settlement of Issues and Determination of Suit on Issues of Law or on Issues agreed upon.

Framing of issues.

1. (*1*) Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other.

(*2*) Material propositions are those propositions of law or fact which a plaintiff must allege in order to show a right to sue or a defendant must allege in order to constitute his defence.

(*3*) Each material proposition affirmed by one party and denied by the other shall form the subject of a distinct issue.

(*4*) Issues are of two kinds: (*a*) issues of fact, (*b*) issues of law.

(*5*) At the first hearing of the suit the Court shall, after reading the plaint and the written statements, if any, and after such examination of the parties as may appear necessary, ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to depend.

(*6*) Nothing in this rule requires the Court to frame and record issues where the defendant at the first hearing of the suit makes no defence.

Issues of law and of fact.

2. Where issues both of law and of fact arise in the same suit, and the Court is of opinion that the case or any part thereof may be disposed of on the issues of law only, it shall try those issues first, and for that purpose may, if it thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Materials from which issues may be framed.

3. The Court may frame the issues from all or any of the following materials:—

(*a*) allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties;

(*b*) allegations made in the pleadings or in answers to interrogatories delivered in the suit;

(*c*) the contents of documents produced by either party.

Court may examine witnesses or documents before framing issues.

4. Where the Court is of opinion that the issues cannot be correctly framed without the examination of some person not before the Court or without the inspection of some document not produced in the suit, it may adjourn the framing of the issues to a future day, and may (subject to any law for the time being in force) compel the attendance of any person or the production of any document by the person in whose possession or power it is by summons or other process.

Power to amend, and strike out, issues.

5. (*1*) The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the matters in controversy between the parties shall be so made or framed.

(*2*) The Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

Questions of fact or law may by agreement be stated in form of issues.

6. Where the parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing that, upon the finding of the Court in the affirmative or the negative of such issue,—

(*a*) a sum of money specified in the agreement or to be ascertained by the Court, or in such manner as the Court may direct, shall be paid by one of the parties to the other of them, or that one of them be declared entitled to some right or subject to some liability specified in the agreement;

(*b*) some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other of them, or as that other may direct; or

(*c*) one or more of the parties shall do or abstain from doing some particular act specified in the agreement and relating to the matter in dispute.

Court, if satisfied that agreement was executed in good faith, may pronounce judgment.

7. Where the Court is satisfied, after making such inquiry as it deems proper,—

(*a*) that the agreement was duly executed by the parties,

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XV.—Disposal of the Suit at the first hearing. Order XVI.—Summoning and Attendance of Witnesses.)

(*b*) that they have a substantial interest in the decision of such question as aforesaid, and

(*c*) that the same is fit to be tried and decided,

it shall proceed to record and try the issue and state its finding or decision thereon in the same manner as if the issue had been framed by the Court;

and shall, upon the finding or decision on such issue, pronounce judgment according to the terms of the agreement; and, upon the judgment so pronounced, a decree shall follow.

ORDER XV.

Disposal of the Suit at the first hearing.

Parties not at issue.

1. Where at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce judgment.

One of several defendants not at issue.

2. Where there are more defendants than one, and any one of the defendants is not at issue with the plaintiff on any question of law or of fact, the Court may at once pronounce judgment for or against such defendant and the suit shall proceed only against the other defendants.

Parties at issue.

3. (*1*) Where the parties are at issue on some question of law or of fact, and issues have been framed by the Court as hereinbefore provided, if the Court is satisfied that no further argument or evidence than the parties can at once adduce is required upon such of the issues as may be sufficient for the decision of the suit, and that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issues, and, if the finding thereon is sufficient for the decision, may pronounce judgment accordingly, whether the summons has been issued for the settlement of issues only or for the final disposal of the suit:

Provided that, where the summons has been issued for the settlement of issues only, the parties or their pleaders are present and none of them objects.

(*2*) Where the finding is not sufficient for the decision, the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument as the case requires.

Failure to produce evidence.

4. Where the summons has been issued for the final disposal of the suit and either party fails without sufficient cause to produce the evidence on which he relies, the Court may at once pronounce judgment, or may, if it thinks fit, after framing and recording issues, adjourn the suit for the production of such evidence as may be necessary for its decision upon such issues.

ORDER XVI.

Summoning and Attendance of Witnesses.

Summons to attend to give evidence or produce documents.

1. At any time after the suit is instituted, the parties may obtain, on application to the Court or to such officer as it appoints in this behalf, summonses to persons whose attendance is required either to give evidence or to produce documents.

Expenses of witness to be paid into Court on applying for summons.

2. (*1*) The party applying for a summons shall, before the summons is granted and within a period to be fixed, pay into Court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned in passing to and from the Court in which he is required to attend, and for one day's attendance.

Experts.

(*2*) In determining the amount payable under this rule, the Court may, in the case of any person summoned to give evidence as an expert, allow reasonable remuneration for the time occupied both in giving evidence and in performing any work of an expert character necessary for the case.

Scale of expenses.

(*3*) Where the Court is subordinate to a High Court regard shall be had, in fixing the scale of such expenses, to any rules made in that behalf.

Tender of expenses to witness.

3. The sum so paid into Court shall be tendered to the person summoned, at the time of serving the summons, if it can be served personally.

Procedure where insufficient sum paid in.

4. (*1*) Where it appears to the Court or to such officer as it appoints in this behalf that the sum paid into Court is not sufficient to cover such expenses or reasonable remuneration, the Court may direct such further sum to be paid to the person summoned as appears to be necessary on that account, and, in case of default in payment, may order such sum to be levied by attachment and sale of the moveable property of the party obtaining the summons; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Expenses of witnesses detained more than one day.

(*2*) Where it is necessary to detain the person summoned for a longer period than one day, the Court may, from time to time, order the party at whose instance he was summoned to pay into Court such sum as is sufficient to defray the expenses of his detention for such further period, and, in default of such deposit being made, may order such sum to be levied by attachment and sale of the moveable property of such party; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Time, place and purpose of attendance to be specified in summons.

5. Every summons for the attendance of a person to give evidence or to produce a document shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes; and any particular document, which the person summoned is called on to produce, shall be described in the summons with reasonable accuracy.

Summons to produce document.

6. Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

Power to require persons present in Court to give evidence or produce document.

7. Any person present in Court may be required by the Court to give evidence or to produce any document then and there in his possession or power.

Summons how served.

8. Every summons under this Order shall be served as nearly as may be in the same manner as a summons to a defendant, and the rules in Order V as to proof of service shall apply in the case of all summonses served under this rule.

Time for serving summons.

9. Service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the person summoned, to allow him a reasonable time for preparation and for travelling to the place at which his attendance is required.

Procedure where witness fails to comply with summons.

10 (*1*) Where a person to whom a summons has been issued either to attend to give evidence or to produce a document fails to attend or to produce the document in compliance with such summons, the Court shall, if the certificate of the serving-officer has not been verified by affidavit, and may, if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court, touching the service or non-service of the summons.

The Code of Civil Procedure, 1908.

(*The First Schedule.*)

(*Order XVI.—Summoning and Attendance of Witnesses. Order XVII.—Adjournments.*)

(2) Where the Court sees reason to believe that such evidence or production is material, and that such person has, without lawful excuse, failed to attend or to produce the document in compliance with such summons or has intentionally avoided service, it may issue a proclamation requiring him to attend to give evidence or to produce the document at a time and place to be named therein; and a copy of such proclamation shall be affixed on the outer door or other conspicuous part of the house in which he ordinarily resides.

(3) In lieu of or at the time of issuing such proclamation, or at any time afterwards, the Court may, in its discretion, issue a warrant, either with or without bail, for the arrest of such person, and may make an order for the attachment of his property to such amount as it thinks fit, not exceeding the amount of the costs of attachment and of any fine which may be imposed under rule 12:

Provided that no Court of Small Causes shall make an order for the attachment of immoveable property.

If witness appears, attachment may be withdrawn.

11. Where, at any time after the attachment of his property, such person appears and satisfies the Court,—

(*a*) that he did not, without lawful excuse, fail to comply with the summons or intentionally avoid service, and,

(*b*) where he has failed to attend at the time and place named in a proclamation issued under the last preceding rule, that he had no notice of such proclamation in time to attend,

the Court shall direct that the property be released from attachment, and shall make such order as to the costs of the attachment as it thinks fit.

Procedure if witness fails to appear.

12. The Court may, where such person does not appear, or appears but fails so to satisfy the Court, impose upon him such fine not exceeding five hundred rupees as it thinks fit, having regard to his condition in life and all the circumstances of the case, and may order his property, or any part thereof, to be attached and sold or, if already attached under rule 10, to be sold for the purpose of satisfying all costs of such attachment, together with the amount of the said fine, if any:

Provided that, if the person whose attendance is required pays into Court the costs and fine aforesaid, the Court shall order the property to be released from attachment.

Mode of attachment.

13. The provisions with regard to the attachment and sale of property in the execution of a decree shall, so far as they are applicable, be deemed to apply to any attachment and sale under this Order as if the person whose property is so attached were a judgment-debtor.

Court may of its own accord summon as witnesses strangers to suit.

14. Subject to the provisions of this Code as to attendance and appearance and to any law for the time being in force, where the Court at any time thinks it necessary to examine any person other than a party to the suit and not called as a witness by a party to the suit, the Court may, of its own motion, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession, on a day to be appointed, and may examine him as a witness or require him to produce such document.

Duty of persons summoned to give evidence or produce document.

15. Subject as last aforesaid, whoever is summoned to appear and give evidence in a suit shall attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document shall either attend to produce it, or cause it to be produced, at such time and place.

When they may depart.

16. (1) A person so summoned and attending shall, unless the Court otherwise directs, attend at each hearing until the suit has been disposed of.

(2) On the application of either party and the payment through the Court of all necessary expenses (if any), the Court may require any person so summoned and attending to furnish security to attend at the next or any other hearing or until the suit is disposed of and, in default of his furnishing such security, may order him to be detained in the civil prison.

Application of rules 10 to 13.

17. The provisions of rules 10 to 13 shall, so far as they are applicable, be deemed to apply to any person who having attended in compliance with a summons departs, without lawful excuse, in contravention of rule 16.

Procedure where witness apprehended cannot give evidence or produce document.

18. Where any person arrested under a warrant is brought before the Court in custody and cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the Court may require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and, on such bail or security being given, may release him, and, in default of his giving such bail or security, may order him to be detained in the civil prison.

No witness to be ordered to attend in person unless resident within certain limits.

19. No one shall be ordered to attend in person to give evidence unless he resides—

(*a*) within the local limits of the Court's ordinary original jurisdiction, or

(*b*) without such limits but at a place less than fifty or (where there is railway or steamer communication or other established public conveyance for five-sixths of the distance between the place where he resides and the place where the Court is situate) less than two hundred miles distance from the Court-house.

Consequence of refusal of party to give evidence when called on by Court.

20. Where any party to a suit present in Court refuses, without lawful excuse, when required by the Court, to give evidence or to produce any document then and there in his possession or power, the Court may pronounce judgment against him or make such order in relation to the suit as it thinks fit.

Rules as to witnesses to apply to parties summoned.

21. Where any party to a suit is required to give evidence or to produce a document, the provisions as to witnesses shall apply to him so far as they are applicable.

ORDER XVII.

Adjournments.

Court may grant time and adjourn hearing.

1. (1) The Court may, if sufficient cause is shown, at any stage of the suit grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit.

Costs of adjournment.

(2) In every such case the Court shall fix a day for the further hearing of the suit, and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that, when the hearing of evidence has once begun, the hearing of the suit shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

Procedure if parties fail to appear on day fixed.

2. Where, on any day to which the hearing of the suit is adjourned, the parties or any of them fail to appear, the Court may proceed to dispose of the suit in one of the modes directed in that behalf by Order IX or make such other order as it thinks fit.

The Code of Civil Procedure 1908.

(The First Schedule.)

(Order XVII.—Adjournments. Order XVIII.—Hearing of the Suit and Examination of Witnesses.)

Court may proceed notwithstanding either party fails to produce evidence.

3. Where any party to a suit to whom time has been granted fails to produce his evidence, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time has been allowed, the Court may, notwithstanding such default, proceed to decide the suit forthwith.

ORDER XVIII.

Hearing of the Suit and Examination of Witnesses.

Right to begin.

1. The plaintiff has the right to begin unless the defendant admits the facts alleged by the plaintiff and contends that either in point of law or on some additional facts alleged by the defendant the plaintiff is not entitled to any part of the relief which he seeks, in which case the defendant has the right to begin.

Statement and production of evidence.

2. (*1*) On the day fixed for the hearing of the suit or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

(*2*) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.

(*3*) The party beginning may then reply generally on the whole case.

Evidence where several issues.

3. Where there are several issues, the burden of proving some of which lies on the other party, the party beginning may, at his option, either produce his evidence on those issues or reserve it by way of answer to the evidence produced by the other party; and, in the latter case, the party beginning may produce evidence on those issues after the other party has produced all his evidence, and the other party may then reply specially on the evidence so produced by the party beginning; but the party beginning will then be entitled to reply generally on the whole case.

Witnesses to be examined in open Court.

4. The evidence of the witnesses in attendance shall be taken orally in open Court in the presence and under the personal direction and superintendence of the Judge.

How evidence shall be taken in appealable cases.

5. In cases in which an appeal is allowed the evidence of each witness shall be taken down in writing, in the language of the Court, by or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and the Judge shall, if necessary, correct the same, and shall sign it.

When deposition to be interpreted.

6. Where the evidence is taken down in a language different from that in which it is given, and the witness does not understand the language in which it is taken down, the evidence as taken down in writing shall be interpreted to him in the language in which it is given.

Evidence under section 138.

7. Evidence taken down under section 138 shall be in the form prescribed by rule 5 and shall be read over and signed and, as occasion may require, interpreted and corrected as if it were evidence taken down under that rule.

Memorandum when evidence not taken down by Judge.

8. Where the evidence is not taken down in writing by the Judge, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge and shall form part of the record.

When evidence may be taken in English.

9. Where English is not the language of the Court, but all the parties to the suit who appear in person, and the pleaders of such as appear by pleaders, do not object to have such evidence as is given in English taken down in English, the Judge may so take it down.

Any particular question and answer may be taken down.

10. The Court may, of its own motion or on the application of any party or his pleader, take down any particular question and answer, or any objection to any question, if there appears to be any special reason for so doing.

Questions objected to and allowed by Court.

11. Where any question put to a witness is objected to by a party or his pleader, and the Court allows the same to be put, the Judge shall take down the question, the answer, the objection and the name of the person making it, together with the decision of the Court thereon.

Remarks on demeanour of witnesses.

12. The Court may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

Memorandum of evidence in unappealable cases.

13. In cases in which an appeal is not allowed, it shall not be necessary to take down the evidence of the witnesses in writing at length; but the Judge, as the examination of each witness proceeds, shall make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the Judge and shall form part of the record.

Judge unable to make such memorandum to record reasons of his inability.

14. (*1*) Where the Judge is unable to make a memorandum as required by this Order, he shall cause the reason of such inability to be recorded, and shall cause the memorandum to be made in writing from his dictation in open Court.

(*2*) Every memorandum so made shall form part of the record.

Power to deal with evidence taken before another Judge.

15. (*1*) Where a Judge is prevented by death, transfer or other cause from concluding the trial of a suit, his successor may deal with any evidence or memorandum taken down or made under the foregoing rules as if such evidence or memorandum had been taken down or made by him or under his direction under the said rules and may proceed with the suit from the stage at which his predecessor left it.

(*2*) The provisions of sub-rule (*1*) shall, so far as they are applicable, be deemed to apply to evidence taken in a suit transferred under section 24.

Power to examine witness immediately.

16. (*1*) Where a witness is about to leave the jurisdiction of the Court, or other sufficient cause is shown to the satisfaction of the Court why his evidence should be taken immediately, the Court may, upon the application of any party or of the witness, at any time after the institution of the suit, take the evidence of such witness in manner hereinbefore provided.

(*2*) Where such evidence is not taken forthwith and in the presence of the parties, such notice as the Court thinks sufficient, of the day fixed for the examination, shall be given to the parties.

(*3*) The evidence so taken shall be read over to the witness, and, if he admits it to be correct, shall be signed by him, and the Judge shall, if necessary, correct the same

The Code of Civil Procedure 1908.

(The First Schedule.)

(Order XVIII.—Hearing of the Suit and Examination of Witnesses. Order XIX.—Affidavits. Order XX.—Judgment and Decree.)

and shall sign it, and it may then be read at any hearing of the suit.

Court may recall and examine witness.

17. The Court may at any stage of a suit recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.

Power of Court to inspect.

18. The Court may at any stage of a suit inspect any property or thing concerning which any question may arise.

ORDER XIX.

Affidavits.

Power to order any point to be proved by affidavit.

1. Any Court may, at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable:

Provided that where it appears to the Court that either party *bonâ fide* desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

Power to order attendance of deponent for cross-examination.

2. (*1*) Upon any application evidence may be given by affidavit, but the Court may, at the instance of either party, order the attendance for cross-examination of the deponent.

(*2*) Such attendance shall be in Court, unless the deponent is exempted from personal appearance in Court, or the Court otherwise directs.

Matters to which affidavits shall be confined.

3. (*1*) Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted: provided that the grounds thereof are stated.

(*2*) The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall (unless the Court otherwise directs) be paid by the party filing the same.

ORDER XX.

Judgment and Decree.

Judgment when pronounced.

1. The Court, after the case has been heard, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their pleaders.

Power to pronounce judgment written by Judge's predecessor.

2. A Judge may pronounce a judgment written but not pronounced by his predecessor.

Judgment to be signed.

3. The judgment shall be dated and signed by the Judge in open Court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save as provided by section 152 or on review.

Judgments of Small Cause Courts.

4. (*1*) Judgments of a Court of Small Causes need not contain more than the points for determination and the decision thereon.

Judgments of other Courts.

(*2*) Judgments of other Courts shall contain a concise statement of the case, the points for determination, the decision thereon, and the reasons for such decision.

Court to state its decision on each issue.

5. In suits in which issues have been framed, the Court shall state its finding or decision, with the reasons therefor, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the suit.

Contents of decree.

6. (*1*) The decree shall agree with the judgment: it shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the suit.

(*2*) The decree shall also state the amount of costs incurred in the suit, and by whom or out of what property and in what proportions such costs are to be paid.

(*3*) The Court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

Date of decree.

7. The decree shall bear date the day on which the judgment was pronounced, and, when the Judge has satisfied himself that the decree has been drawn up in accordance with the judgment, he shall sign the decree.

Procedure where Judge has vacated office before signing decree.

8. Where a Judge has vacated office after pronouncing judgment but without signing the decree, a decree drawn up in accordance with such judgment may be signed by his successor or, if the Court has ceased to exist, by the Judge of any Court to which such Court was subordinate.

Decree for recovery of immoveable property.

9. Where the subject-matter of the suit is immoveable property, the decree shall contain a description of such property sufficient to identify the same, and where such property can be identified by boundaries or by numbers in a record of settlement or survey, the decree shall specify such boundaries or numbers.

Decree for delivery of moveable property.

10. Where the suit is for moveable property, and the decree is for the delivery of such property, the decree shall also state the amount of money to be paid as an alternative if delivery cannot be had.

Decree may direct payment by instalments.

11. (*1*) Where and in so far as a decree is for the payment of money, the Court may for any sufficient reason at the time of passing the decree order that payment of the amount decreed shall be postponed or shall be made by instalments, with or without interest, notwithstanding anything contained in the contract under which the money is payable.

Order, after decree, for payment by instalments.

(*2*) After the passing of any such decree the Court may, on the application of the judgment-debtor and with the consent of the decree-holder, order that payment of the amount decreed shall be postponed or shall be made by instalments on such terms as to the payment of interest, the attachment of the property of the judgment-debtor, or the taking of security from him, or otherwise, as it thinks fit.

Decree for possession and mesne profits.

12. (*1*) Where a suit is for the recovery of possession of immoveable property and for rent or mesne profits, the Court may pass a decree—

(*a*) for the possession of the property;

(*b*) for the rent or mesne profits which have accrued on the property during a period prior to the institution of the suit or directing an inquiry as to such rent or mesne profits;

(*c*) directing an inquiry as to rent or mesne profits from the institution of the suit until—

(*i*) the delivery of possession to the decree-holder,

(*ii*) the relinquishment of possession by the judgment-debtor with notice to the decree-holder through the Court, or

(*iii*) the expiration of three years from the date of the decree,

whichever event first occurs.

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(2) Where an inquiry is directed under clause (*b*) or clause (*c*) a final decree in respect of the rent or mesne profits shall be passed in accordance with the result of such inquiry.

Decree in administration-suit.

13. (*1*) Where a suit is for an account of any property and for its due administration under the decree of the Court, the Court shall, before passing the final decree, pass a preliminary decree ordering such accounts and inquiries to be taken and made, and giving such other directions as it thinks fit.

(2) In the administration by the Court of the property of any deceased person, if such property proves to be insufficient for the payment in full of his debts and liabilities, the same rules shall be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities proveable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being within the local limits of the Court in which the administration-suit is pending with respect to the estates of persons adjudged or declared insolvent; and all persons who in any such case would be entitled to be paid out of such property, may come in under the preliminary decree, and make such claims against the same as they may respectively be entitled to by virtue of this Code.

Decree in pre-emption-suit.

14. (*1*) Where the Court decrees a claim to pre-emption in respect of a particular sale of property and the purchase-money has not been paid into Court, the decree shall—

(*a*) specify a day on or before which the purchase-money shall be so paid, and

(*b*) direct that on payment into Court of such purchase-money, together with the costs (if any) decreed against the plaintiff, on or before the day referred to in clause (*a*), the defendant shall deliver possession of the property to the plaintiff, whose title thereto shall be deemed to have accrued from the date of such payment, but that, if the purchase-money and the costs (if any) are not so paid, the suit shall be dismissed with costs.

(2) Where the Court has adjudicated upon rival claims to pre-emption, the decree shall direct,—

(*a*) if and in so far as the claims decreed are equal in degree, that the claim of each pre-emptor complying with the provisions of sub-rule (*1*) shall take effect in respect of a proportionate share of the property including any proportionate share in respect of which the claim of any pre-emptor failing to comply with the said provisions would, but for such default, have taken effect; and,

(*b*) if and in so far as the claims decreed are different in degree, that the claim of the inferior pre-emptor shall not take effect unless and until the superior pre-emptor has failed to comply with the said provisions.

Decree in suit for dissolution of partnership.

15. Where a suit is for the dissolution of a partnership, or the taking of partnership accounts, the Court, before passing a final decree, may pass a preliminary decree declaring the proportionate shares of the parties, fixing the day on which the partnership shall stand dissolved or be deemed to have been dissolved, and directing such accounts to be taken, and other acts to be done, as it thinks fit.

Decree in suit for account between principal and agent.

16. In a suit for an account of pecuniary transactions between a principal and an agent, and in any other suit not hereinbefore provided for, where it is necessary, in order to ascertain the amount of money due to or from any party, that an account should be taken, the Court shall, before passing its final decree, pass a preliminary decree directing such accounts to be taken as it thinks fit.

Special directions as to accounts.

17. The Court may either by the decree directing an account to be taken or by any subsequent order give special directions with regard to the mode in which the account is to be taken or vouched and in particular may direct that in taking the account the books of account in which the accounts in question have been kept shall be taken as *primâ facie* evidence of the truth of the matters therein contained with liberty to the parties interested to take such objection thereto as they may be advised.

Decree in suit for partition of property or separate possession of a share therein.

18. Where the Court passes a decree for the partition of property or for the separate possession of a share therein, then,—

(*1*) if and in so far as the decree relates to an estate assessed to the payment of revenue to the Government, the decree shall declare the rights of the several parties interested in the property, but shall direct such partition or separation to be made by the Collector, or any gazetted subordinate of the Collector deputed by him in this behalf, in accordance with such declaration and with the provisions of section 54;

(*2*) if and in so far as such decree relates to any other immoveable property or to moveable property, the Court may, if the partition or separation cannot be conveniently made without further inquiry, pass a preliminary decree declaring the rights of the several parties interested in the property and giving such further directions as may be required.

Decree when set-off is allowed.

19. (*1*) Where the defendant has been allowed a set-off against the claim of the plaintiff, the decree shall state what amount is due to the plaintiff and what amount is due to the defendant, and shall be for the recovery of any sum which appears to be due to either party.

Appeal from decree relating to set-off.

(*2*) Any decree passed in a suit in which a set-off is claimed shall be subject to the same provisions in respect of appeal to which it would have been subject if no set-off had been claimed.

(*3*) The provisions of this rule shall apply whether the set-off is admissible under rule 6 of Order VIII or otherwise.

Certified copies of judgment and decree to be furnished.

20. Certified copies of the judgment and decree shall be furnished to the parties on application to the Court, and at their expense.

ORDER XXI.

Execution of Decrees and Orders.

Payment under Decree.

Modes of paying money under decree.

1. (*1*) All money payable under a decree shall be paid as follows, namely:—

(*a*) into the Court whose duty it is to execute the decree; or

(*b*) out of Court to the decree-holder; or

(*c*) otherwise as the Court which made the decree directs.

(2) Where any payment is made under clause (*a*) of sub-rule (1) notice of such payment shall be given to the decree-holder.

Payment out of Court to decree-holder.

2. (*1*) Where any money payable under a decree of any kind is paid out of Court, or the decree is otherwise adjusted in whole or in part to the satisfaction of the decree-holder, the decree-holder shall certify such payment or adjustment to the Court whose duty it is to execute the decree, and the Court shall record the same accordingly.

(*2*) The judgment-debtor also may inform the Court of such payment or adjustment, and apply to the Court to issue a notice to the decree-holder to show cause, on a day to be fixed by the Court, why such payment or adjustment should not be recorded as certified; and if, after service of such notice, the decree-holder fails to show cause why the payment or adjustment should not be recorded as certified, the Court shall record the same accordingly.

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(3) A payment or adjustment, which has not been certified or recorded as aforesaid, shall not be recognized by any Court executing the decree.

Courts executing Decrees.

Lands situate in more than one jurisdiction.

3. Where immoveable property forms one estate or tenure situate within the local limits of the jurisdiction of two or more Courts, any one of such Courts may attach and sell the entire estate or tenure.

Transfer to Court of Small Causes.

4. Where a decree has been passed in a suit of which the value as set forth in the plaint did not exceed two thousand rupees and which, as regards its subject-matter, is not excepted by the law for the time being in force from the cognizance of either a Presidency or a Provincial Court of Small Causes, and the Court which passed it wishes it to be executed in Calcutta, Madras, Bombay or Rangoon, such Court may send to the Court of Small Causes in Calcutta, Madras, Bombay or Rangoon, as the case may be, the copies and certificates mentioned in rule 6; and such Court of Small Causes shall thereupon execute the decree as if it had been passed by itself.

Mode of transfer.

5. Where the Court to which a decree is to be sent for execution is situate within the same district as the Court which passed such decree, such Court shall send the same directly to the former Court. But, where the Court to which the decree is to be sent for execution is situate in a different district, the Court which passed it shall send it to the District Court of the district in which the decree is to be executed.

Procedure where Court desires that its own decree shall be executed by another Court.

6. The Court sending a decree for execution shall send—

(a) a copy of the decree;

(b) a certificate setting forth that satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court by which it was passed, or, where the decree has been executed in part, the extent to which satisfaction has been obtained and what part of the decree remains unsatisfied; and

(c) a copy of any order for the execution of the decree, or, if no such order has been made, a certificate to that effect.

Court receiving copies of decree, etc., to file same without proof.

7. The Court to which a decree is so sent shall cause such copies and certificates to be filed, without any further proof of the decree or order for execution, or of the copies thereof, unless the Court, for any special reasons to be recorded under the hand of the Judge, requires such proof.

Execution of decree or order by Court to which it is sent.

8. Where such copies are so filed, the decree or order may, if the Court to which it is sent is the District Court, be executed by such Court or be transferred for execution to any subordinate Court of competent jurisdiction.

Execution by High Court of decree transferred by other Court.

9. Where the Court to which the decree is sent for execution is a High Court, the decree shall be executed by such Court in the same manner as if it had been passed by such Court in the exercise of its ordinary original civil jurisdiction.

Application for execution.

Application for execution.

10. Where the holder of a decree desires to execute it, he shall apply to the Court which passed the decree or to the officer (if any) appointed in this behalf, or if the decree has been sent under the provisions hereinbefore contained to another Court then o such Court or to the proper officer thereof.

Oral application.

11. (1) Where a decree is for the payment of money the Court may, on the oral application of the decree-holder at the time of the passing of the decree, order immediate execution thereof by the arrest of the judgment-debtor, prior to the preparation of a warrant if he is within the precincts of the Court.

Written application.

(2) Save as otherwise provided by sub-rule (1), every application for the execution of a decree shall be in writing, signed and verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the following particulars, namely:—

(a) the number of the suit;

(b) the names of the parties;

(c) the date of the decree;

(d) whether any appeal has been preferred from the decree;

(e) whether any, and (if any) what, payment or other adjustment of the matter in controversy has been made between the parties subsequently to the decree;

(f) whether any, and (if any) what, previous applications have been made for the execution of the decree, the dates of such applications and their results;

(g) the amount with interest (if any) due upon the decree, or other relief granted thereby, together with particulars of any cross-decree, whether passed before or after the date of the decree sought to be executed;

(h) the amount of the costs (if any) awarded;

(i) the name of the person against whom execution of the decree is sought; and

(j) the mode in which the assistance of the Court is required, whether—

(i) by the delivery of any property specifically decreed;

(ii) by the attachment and sale, or by the sale without attachment, of any property;

(iii) by the arrest and detention in prison of any person;

(iv) by the appointment of a receiver;

(v) otherwise, as the nature of the relief granted may require.

(3) The Court to which an application is made under sub-rule (2) may require the applicant to produce a certified copy of the decree.

Application for attachment of moveable property not in judgment-debtor's possession.

12. Where an application is made for the attachment of any moveable property belonging to a judgment-debtor but not in his possession, the decree-holder shall annex to the application an inventory of the property to be attached, containing a reasonably accurate description of the same.

Application for attachment of immoveable property to contain certain particulars.

13. Where an application is made for the attachment of any immoveable property belonging to a judgment-debtor, it shall contain at the foot—

(a) a description of such property sufficient to identify the same and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, a specification of such boundaries or numbers; and

(b) a specification of the judgment-debtor's share or interest in such property to the best of the belief of the applicant, and so far as he has been able to ascertain the same.

Power to require certified extract from Collector's register in certain cases.

14. Where an application is made for the attachment of any land which is registered in the office of the Collector, the Court may require the applicant to produce a certified extract from the register of such office, specifying the persons registered as proprietors of, or as possessing, any transferable interest in, the land or its revenue, or as liable to pay revenue for the land, and the shares of the registered proprietors.

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Application for execution by joint decree-holder.

15. (*1*) Where a decree has been passed jointly in favour of more persons than one, any one or more of such persons may, unless the decree imposes any condition to the contrary, apply for the execution of the whole decree for the benefit of them all, or, where any of them has died, for the benefit of the survivors and the legal representatives of the deceased.

(*2*) Where the Court sees sufficient cause for allowing the decree to be executed on an application made under this rule it shall make such order as it deems necessary for protecting the interests of the persons who have not joined in the application.

Application for execution by transferee of decree.

16. Where a decree or, if a decree has been passed jointly in favour of two or more persons, the interest of any decree-holder in the decree is transferred by assignment in writing or by operation of law, the transferee may apply for execution of the decree to the Court which passed it; and the decree may be executed in the same manner and subject to the same conditions as if the application were made by such decree-holder:

Provided that, where the decree, or such interest as aforesaid, has been transferred by assignment, notice of such application shall be given to the transferor and the judgment-debtor, and the decree shall not be executed until the Court has heard their objections (if any) to its execution:

Provided also that, where a decree for the payment of money against two or more persons has been transferred to one of them, it shall not be executed against the others.

Procedure on receiving application for execution of decree.

17. (*1*) On receiving an application for the execution of a decree as provided by rule 11, sub-rule (*2*), the Court shall ascertain whether such of the requirements of rules 11 to 14 as may be applicable to the case have been complied with; and, if they have not been complied with, the Court may reject the application, or may allow the defect to be remedied then and there or within a time to be fixed by it.

(*2*) Where an application is amended under the provisions of sub-rule (*1*), it shall be deemed to have been an application in accordance with law and presented on the date when it was first presented.

(*3*) Every amendment made under this rule shall be signed or initialled by the Judge.

(*4*) When the application is admitted, the Court shall enter in the proper register a note of the application and the date on which it was made, and shall, subject to the provisions hereinafter contained, order execution of the decree according to the nature of the application:

Provided that, in the case of a decree for the payment of money, the value of the property attached shall, as nearly as may be, correspond with the amount due under the decree.

Execution in case of cross-decrees.

18. (*1*) Where applications are made to a Court for the execution of cross-decrees in separate suits for the payment of two sums of money passed between the same parties and capable of execution at the same time by such Court, then—

(*a*) if the two sums are equal, satisfaction shall be entered upon both decrees; and

(*b*) if the two sums are unequal, execution may be taken out only by the holder of the decree for the larger sum and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum.

(*2*) This rule shall be deemed to apply where either party is an assignee of one of the decrees and as well in respect of judgment-debts due by the original assignor as in respect of judgment-debts due by the assignee himself.

(*3*) This rule shall not be deemed to apply unless—

(*a*) the decree-holder in one of the suits in which the decrees have been made is the judgment-debtor in the other and each party fills the same character in both suits; and

(*b*) the sums due under the decrees are definite.

(*4*) The holder of a decree passed against several persons jointly and severally may treat it as a cross-decree in relation to a decree passed against him singly in favour of one or more of such persons.

Illustrations.

(*a*) A holds a decree against B for Rs. 1,000. B holds a decree against A for the payment of Rs. 1,000 in case A fails to deliver certain goods at a future day. B cannot treat his decree as a cross-decree under this rule.

(*b*) A and B, co-plaintiffs, obtain a decree for Rs. 1,000 against C, and C obtains a decree for Rs. 1,000 against B. C cannot treat his decree as a cross-decree under this rule.

(*c*) A obtains a decree against B for Rs. 1,000. C, who is a trustee for B, obtains a decree on behalf of B against A for Rs. 1,000. B cannot treat C's decree as a cross-decree under this rule.

(*d*) A, B, C, D and E are jointly and severally liable for Rs. 1,000 under a decree obtained by F. A obtains a decree for Rs. 100 against F singly and applies for execution to the Court in which the joint-decree is being executed. F may treat his joint-decree as a cross-decree under this rule.

Execution in case of cross-claims under same decree.

19. Where application is made to a Court for the execution of a decree under which two parties are entitled to recover sums of money from each other, then,—

(*a*) if the two sums are equal, satisfaction for both shall be entered upon the decree; and,

(*b*) if the two sums are unequal, execution may be taken out only by the party entitled to the larger sum and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered upon the decree.

Cross-decrees and cross-claims in mortgage suits.

20. The provisions contained in rules 18 and 19 shall apply to decrees for sale in enforcement of a mortgage or charge.

Simultaneous execution.

21. The Court may, in its discretion, refuse execution at the same time against the person and property of the judgment-debtor.

Notice to show cause against execution in certain cases.

22. (*1*) Where an application for execution is made—

(*a*) more than one year after the date of the decree, or

(*b*) against the legal representative of a party to the decree,

the Court executing the decree shall issue a notice to the person against whom execution is applied for requiring him to show cause, on a date to be fixed, why the decree should not be executed against him:

Provided that no such notice shall be necessary in consequence of more than one year having elapsed between the date of the decree and the application for execution if the application is made within one year from the date of the last order against the party against whom execution is applied for, made on any previous application for execution, or in consequence of the application being made against the legal representative of the judgment-debtor, if upon a previous application for execution against the same person the Court has ordered execution to issue against him.

(*2*) Nothing in the foregoing sub-rule shall be deemed to preclude the Court from issuing any process in execution of a decree without issuing the notice thereby prescribed, if, for reasons to be recorded, it considers that the issue of such notice would cause unreasonable delay or would defeat the ends of justice.

Procedure after issue of notice.

23. (*1*) Where the person to whom notice is issued under the last preceding rule does not appear or does not show cause to the satisfaction of the Court why the decree should not be executed, the Court shall order the decree to be executed.

(*2*) Where such person offers any objection to the execution of the decree, the Court shall consider such objection and make such order as it thinks fit.

Process for execution.

Process for execution.

24. (*1*) When the preliminary measures (if any) required by the foregoing rules have been taken, the Court shall, unless it sees cause to the contrary, issue its process for the execution of the decree.

(*2*) Every such process shall bear date the day on which it is issued, and shall be signed by the Judge or such officer as the Court may appoint in this behalf, and shall be sealed with the seal of the Court and delivered to the proper officer to be executed.

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(3) In every such process a day shall be specified on or before which it shall be executed.

Endorsement on process.

25. (1) The officer entrusted with the execution of the process shall endorse thereon the day on, and the manner in, which it was executed, and, if the latest day specified in the process for the return thereof has been exceeded, the reason of the delay, or, if it was not executed, the reason why it was not executed, and shall return the process with such endorsement to the Court.

(2) Where the endorsement is to the effect that such officer is unable to execute the process, the Court shall examine him touching his alleged inability, and may, if it thinks fit, summon and examine witnesses as to such inability and shall record the result.

Stay of execution.

When Court may stay execution.

26. (1) The Court to which a decree has been sent for execution shall, upon sufficient cause being shown, stay the execution of such decree for a reasonable time, to enable the judgment-debtor to apply to the Court by which the decree was passed, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay execution, or for any other order relating to the decree or execution which might have been made by such Court of first instance or appellate Court if execution had been issued thereby, or if application for execution had been made thereto.

(2) Where the property or person of the judgment-debtor has been seized under an execution, the Court which issued the execution may order the restitution of such property or the discharge of such person pending the result of the application.

Power to require security from, or impose conditions upon, judgment-debtor.

(3) Before making an order to stay execution or for the restitution of property or the discharge of the judgment-debtor, the Court may require such security from, or impose such conditions upon, the judgment-debtor as it thinks fit.

Liability of judgment-debtor discharged.

27. No order of restitution or discharge under rule 26 shall prevent the property or person of a judgment-debtor from being retaken in execution of the decree sent for execution.

Order of Court which passed decree or of appellate Court to be binding upon Court applied to.

28. Any order of the Court by which the decree was passed, or of such Court of appeal as aforesaid, in relation to the execution of such decree, shall be binding upon the Court to which the decree was sent for execution.

Stay of execution pending suit between decree-holder and judgment-debtor.

29. Where a suit is pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was passed, the Court may, on such terms as to security or otherwise, as it thinks fit, stay execution of the decree until the pending suit has been decided.

Mode of execution.

Decree for payment of money.

30. Every decree for the payment of money, including a decree for the payment of money as the alternative to some other relief, may be executed by the detention in the civil prison of the judgment-debtor or by the attachment and sale of his property, or by both.

Decree for specific moveable property.

31. (1) Where the decree is for any specific moveable, or for any share in a specific moveable, it may be executed by the seizure, if practicable, of the moveable or share, and by the delivery thereof to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, or by the detention in the civil prison of the judgment-debtor, or by the attachment of his property, or by both.

(2) Where any attachment under sub-rule (1) has remained in force for six months, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, such property may be sold, and out of the proceeds the Court may award to the decree-holder, in cases where any amount has been fixed by the decree to be paid as an alternative to delivery of moveable property, such amount, and, in other cases, such compensation as it thinks fit, and shall pay the balance (if any) to the judgment-debtor on his application.

(3) Where the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or where, at the end of six months from the date of the attachment, no application to have the property sold has been made, or, if made, has been refused, the attachment shall cease.

Decree for specific performance, for restitution of conjugal rights, or for an injunction.

32. (1) Where the party against whom a decree for the specific performance of a contract, or for restitution of conjugal rights, or for an injunction, has been passed, has had an opportunity of obeying the decree and has wilfully failed to obey it, the decree may be enforced by his detention in the civil prison, or by the attachment of his property, or by both.

(2) Where the party against whom a decree for specific performance or for an injunction has been passed is a corporation, the decree may be enforced by the attachment of the property of the corporation or, with the leave of the Court, by the detention in the civil prison of the directors or other principal officers thereof, or by both attachment and detention.

(3) Where any attachment under sub-rule (1) or sub-rule (2) has remained in force for one year, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, such property may be sold; and out of the proceeds the Court may award to the decree-holder such compensation as it thinks fit, and shall pay the balance (if any) to the judgment-debtor on his application.

(4) Where the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or where, at the end of one year from the date of the attachment, no application to have the property sold has been made, or if made has been refused, the attachment shall cease.

(5) Where a decree for the specific performance of a contract or for an injunction has not been obeyed, the Court may, in lieu of or in addition to all or any of the processes aforesaid, direct that the act required to be done may be done so far as practicable by the decree-holder or some other person appointed by the Court, at the cost of the judgment-debtor, and upon the act being done the expenses incurred may be ascertained in such manner as the Court may direct and may be recovered as if they were included in the decree.

Illustration.

A, a person of little substance, erects a building which renders uninhabitable a family mansion belonging to B. A, in spite of his detention in prison and the attachment of his property, declines to obey a decree obtained against him by B and directing him to remove the building. The Court is of opinion that no sum realizable by the sale of A's property would adequately compensate B for the depreciation in the value of his mansion. B may apply to the Court to remove the building and may recover the cost of such removal from A in the execution-proceedings.

Discretion of Court in executing decrees for restitution of conjugal rights.

33. (1) Notwithstanding anything in rule 32, the Court, either at the time of passing a decree for the restitution of conjugal rights or at any time afterwards, may order that the decree shall not be executed by detention in prison.

(2) Where the Court has made an order under sub-rule (1), and the decree-holder is the wife, it may order that, in the event of the decree not being obeyed within such period as may be fixed in this behalf, the judgment-debtor shall make to the decree-holder such periodical payments as may be just, and, if it thinks fit, require that the judgment-debtor shall, to its satisfaction, secure to the decree-holder such periodical payments.

(3) The Court may from time to time vary or modify any order made under sub-rule (2) for the periodical payment of money, either by altering the times of payment or by increasing or diminishing the amount, or may temporarily suspend the same as to the whole or any part of the money so ordered to be paid, and again revive the same, either wholly or in part as it may think just.

(4) Any money ordered to be paid under this rule may be recovered as though it were payable under a decree for the payment of money.

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Decree for execution of document, or endorsement of negotiable instrument.

34. (*1*) Where a decree is for the execution of a document or for the endorsement of a negotiable instrument and the judgment-debtor neglects or refuses to obey the decree, the decree-holder may prepare a draft of the document or endorsement in accordance with the terms of the decree and deliver the same to the Court.

(*2*) The Court shall thereupon cause the draft to be served on the judgment-debtor together with a notice requiring his objections (if any) to be made within such time as the Court fixes in this behalf.

(*3*) Where the judgment-debtor objects to the draft, his objections shall be stated in writing within such time, and the Court shall make such order approving or altering the draft, as it thinks fit.

(*4*) The decree-holder shall deliver to the Court a copy of the draft with such alterations (if any) as the Court may have directed upon the proper stamp-paper if a stamp is required by the law for the time being in force; and the Judge or such officer as may be appointed in this behalf shall execute the document so delivered.

(*5*) The execution of a document or the endorsement of a negotiable instrument under this rule may be in the following form, namely :—

" C. D., Judge of the Court of (or as the case may be), for A. B., in a suit by E. F. against A. B.",

and shall have the same effect as the execution of the document or the endorsement of the negotiable instrument by the party ordered to execute or endorse the same.

(*6*) The Court, or such officer as it may appoint in this behalf, shall cause the document to be registered if its registration is required by the law for the time being in force or the decree-holder desires to have it registered, and may make such order as it thinks fit as to the payment of the expenses of the registration.

Decree for immoveable property.

35. (*1*) Where a decree is for the delivery of any immoveable property, possession thereof shall be delivered to the party to whom it has been adjudged, or to such person as he may appoint to receive delivery on his behalf, and, if necessary, by removing any person bound by the decree who refuses to vacate the property.

(*2*) Where a decree is for the joint possession of immoveable property such possession shall be delivered by affixing a copy of the warrant in some conspicuous place on the property and proclaiming by beat of drum, or other customary mode, at some convenient place, the substance of the decree.

(*3*) Where possession of any building or enclosure is to be delivered and the person in possession, being bound by the decree, does not afford free access, the Court, through its officers, may, after giving reasonable warning and facility to any woman not appearing in public according to the customs of the country to withdraw, remove or open any lock or bolt or break open any door or do any other act necessary for putting the decree-holder in possession.

Decree for delivery of immoveable property when in occupancy of tenant.

36. Where a decree is for the delivery of any immoveable property in the occupancy of a tenant or other person entitled to occupy the same and not bound by the decree to relinquish such occupancy, the Court shall order delivery to be made by affixing a copy of the warrant in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode, at some convenient place, the substance of the decree in regard to the property.

Arrest and detention in the civil prison.

Discretionary power to permit judgment-debtor to show cause against detention in prison.

37. (*1*) Notwithstanding anything in these rules, where an application is for the execution of a decree for the payment of money by the arrest and detention in the civil prison of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court may, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to the civil prison.

(*2*) Where appearance is not made in obedience to the notice, the Court shall, if the decree-holder so requires, issue a warrant for the arrest of the judgment-debtor.

Warrant for arrest to direct judgment-debtor to be brought up.

38. Every warrant for the arrest of a judgment-debtor shall direct the officer entrusted with its execution to bring him before the Court with all convenient speed, unless the amount which he has been ordered to pay, together with the interest thereon and the costs (if any) to which he is liable, be sooner paid.

Subsistence-allowance.

39. (*1*) No judgment-debtor shall be arrested in execution of a decree unless and until the decree-holder pays into Court such sum as the Judge thinks sufficient for the subsistence of the judgment-debtor from the time of his arrest until he can be brought before the Court.

(*2*) Where a judgment-debtor is committed to the civil prison in execution of a decree the Court shall fix for his subsistence such monthly allowance as he may be entitled to according to the scales fixed under section 57 or, where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.

(*3*) The monthly allowance fixed by the Court shall be supplied by the party on whose application the judgment-debtor has been arrested by monthly payments in advance before the first day of each month.

(*4*) The first payment shall be made to the proper officer of the Court for such portion of the current month as remains unexpired before the judgment-debtor is committed to the civil prison, and the subsequent payments (if any) shall be made to the officer in charge of the civil prison.

(*5*) Sums disbursed by the decree-holder for the subsistence of the judgment-debtor in the civil prison shall be deemed to be costs in the suit :

Provided that the judgment-debtor shall not be detained in the civil prison or arrested on account of any sum so disbursed.

Proceedings on appearance of judgment-debtor in obedience to notice or after arrest.

40. (*1*) Where a judgment-debtor appears before the Court in obedience to a notice issued under rule 37, or is brought before the Court after being arrested in execution of a decree for the payment of money, and it appears to the Court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the Court may, upon such terms (if any) as it thinks fit, make an order disallowing the application for his arrest and detention, or directing his release, as the case may be.

(*2*) Before making an order under sub-rule (*1*), the Court may take into consideration any allegation of the decree-holder touching any of the following matters namely :—

(*a*) the decree being for a sum for which the judgment-debtor was bound in any fiduciary capacity to account ;

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(*b*) the transfer, concealment or removal by the judgment-debtor of any part of his property after the date of the institution of the suit in which the decree was passed, or the commission by him after that date of any other act of bad faith in relation to his property, with the object or effect of obstructing or delaying the decree-holder in the execution of the decree;

(*c*) any undue preference given by the judgment-debtor to any of his other creditors;

(*d*) refusal or neglect on the part of the judgment-debtor to pay the amount of the decree or some part thereof when he has, or since the date of the decree has had, the means of paying it;

(*e*) the likelihood of the judgment-debtor absconding or leaving the jurisdiction of the Court with the object or effect of obstructing or delaying the decree-holder in the execution of the decree.

(*3*) While any of the matters mentioned in sub-rule (*2*) are being considered, the Court may, in its discretion, order the judgment-debtor to be detained in the civil prison, or leave him in the custody of an officer of the Court, or release him on his furnishing security, to the satisfaction of the Court, for his appearance when required by the Court.

(*4*) A judgment-debtor released under this rule may be re-arrested.

(*5*) Where the Court does not make an order under sub-rule (*1*), it shall cause the judgment-debtor to be arrested if he has not already been arrested and, subject to the other provisions of this Code, commit him to the civil prison.

Attachment of property.

Examination of judgment-debtor as to his property.

41. Where a decree is for the payment of money the decree-holder may apply to the Court for an order that—

(*a*) the judgment-debtor, or
(*b*) in the case of a corporation, any officer thereof, or
(*c*) any other person,

be orally examined as to whether any or what debts are owing to the judgment-debtor and whether the judgment-debtor has any and what other property or means of satisfying the decree; and the Court may make an order for the attendance and examination of such judgment-debtor, or officer or other person, and for the production of any books or documents.

Attachment in case of decree for rent or mesne profits or other matter, amount of which to be subsequently determined.

42. Where a decree directs an inquiry as to rent or mesne profits or any other matter, the property of the judgment-debtor may, before the amount due from him has been ascertained, be attached, as in the case of an ordinary decree for the payment of money.

Attachment of moveable property, other than agricultural produce, in possession of judgment-debtor.

43. Where the property to be attached is moveable property, other than agricultural produce, in the possession of the judgment-debtor, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the due custody thereof:

Provided that, when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the ataching officer may sell it at once.

Attachment of agricultural produce.

44. Where the property to be attached is agricultural produce, the attachment shall be made by affixing a copy of the warrant of attachment,—

(*a*) where such produce is a growing crop, on the land on which such crop has grown, or

(*b*) where such produce has been cut or gathered, on the threshing-floor or place for treading out grain or the like or fodder-stack on or in which it is deposited,

and another copy on the outer door or on some other conspicuous part of the house in which the judgment-debtor ordinarily resides or, with the leave of the Court, on the outer door or on some other conspicuous part of the house in which he carries on business or personally works for gain or in which he is known to have last resided or carried on business or personally worked for gain; and the produce shall thereupon be deemed to have passed into the possession of the Court.

Provisions as to agricultural produce under attachment.

45. (*1*) Where agricultural produce is attached, the Court shall make such arrangements for the custody thereof as it may deem sufficient and, for the purpose of enabling the Court to make such arrangements, every application for the attachment of a growing crop shall specify the time at which it is likely to be fit to be cut or gathered.

(*2*) Subject to such conditions as may be imposed by the Court in this behalf either in the order of attachment or in any subsequent order, the judgment-debtor may tend, cut, gather and store the produce and do any other act necessary for maturing or preserving it; and if the judgment-debtor fails to do all or any of such acts, the decree-holder may, with the permission of the Court and subject to the like conditions, do all or any of them either by himself or by any person appointed by him in this behalf, and the costs incurred by the decree-holder shall be recoverable from the judgment-debtor as if they were included in, or formed part of, the decree.

(*3*) Agricultural produce attached as a growing crop shall not be deemed to have ceased to be under attachment or to require re-attachment merely because it has been severed from the soil.

(*4*) Where an order for the attachment of a growing crop has been made at a considerable time before the crop is likely to be fit to be cut or gathered, the Court may suspend the execution of the order for such time as it thinks fit, and may, in its discretion, make a further order prohibiting the removal of the crop pending the execution of the order of attachment.

(*5*) A growing crop which from its nature does not admit of being stored shall not be attached under this rule at any time less than twenty days before the time at which it is likely to be fit to be cut or gathered.

Attachment of debt, share and other property not in possession of judgment-debtor.

46. (*1*) In the case of—

(*a*) a debt not secured by a negotiable instrument,
(*b*) a share in the capital of a corporation,
(*c*) other moveable property not in the possession of the judgment-debtor, except property deposited in, or in the custody of, any Court,

the attachment shall be made by a written order prohibiting,—

(*i*) in the case of the debt, the creditor from recovering the debt and the debtor from making payment thereof until the further order of the Court;

(*ii*) in the case of the share, the person in whose name the share may be standing from transferring the same or receiving any dividend thereon;

(*iii*) in the case of the other moveable property except as aforesaid, the person in possession of the same from giving it over to the judgment-debtor.

(*2*) A copy of such order shall be affixed on some conspicuous part of the court-house, and another copy shall be sent, in the case of the debt, to the debtor, in the case of the share, to the proper officer of the corporation, and, in the case of the other moveable property (except as aforesaid), to the person in possession of the same.

(*3*) A debtor prohibited under clause (*i*) of sub-rule (*1*) may pay the amount of his debt into Court, and such payment shall discharge him as effectually as payment to the party entitled to receive the same.

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Attachment of share in moveables.

47. Where the property to be attached consists of the share or interest of the judgment-debtor in moveable property belonging to him and another as co-owners, the attachment shall be made by a notice to the judgment-debtor prohibiting him from transferring the share or interest or charging it in any way.

Attachment of salary or allowances of public officer or servant of railway company or local authority.

48. (*1*) Where the property to be attached is the salary or allowances of a public officer or of a servant of a railway company or local authority, the Court, whether the judgment-debtor or the disbursing officer is or is not within the local limits of the Court's jurisdiction, may order that the amount shall, subject to the provisions of section 60, be withheld from such salary or allowances either in one payment or by monthly instalments as the Court may direct; and, upon notice of the order to such officer as the Government may by notification in the Gazette of India or in the local official Gazette, as the case may be, appoint in this behalf, the officer or other person whose duty it is to disburse such salary or allowances shall withhold and remit to the Court the amount due under the order, or the monthly instalments, as the case may be.

(*2*) Where the attachable proportion of such salary or allowances is already being withheld and remitted to a Court in pursuance of a previous and unsatisfied order of attachment, the officer appointed by the Government in this behalf shall forthwith return the subsequent order to the Court issuing it with a full statement of all the particulars of the existing attachment.

(*3*) Every order made under this rule, unless it is returned in accordance with the provisions of sub-rule (*2*), shall, without further notice or other process, bind the Government or the railway company or local authority, as the case may be, while the judgment-debtor is within the local limits to which this Code for the time being extends and while he is beyond those limits if he is in receipt of any salary or allowances payable out of His Majesty's Indian revenues or the funds of a railway company carrying on business in any part of British India or local authority in British India; and the Government or the railway company or local authority, as the case may be, shall be liable for any sum paid in contravention of this rule.

Attachment of partnership property.

49. (*1*) Save as otherwise provided by this rule, property belonging to a partnership shall not be attached or sold in execution of a decree other than a decree passed against the firm or against the partners in the firm as such.

(*2*) The Court may, on the application of the holder of a decree against a partner, make an order charging the interest of such partner in the partnership property and profits with payment of the amount due under the decree, and may, by the same or a subsequent order, appoint a receiver of the share of such partner in the profits (whether already declared or accruing) and of any other money which may be coming to him in respect of the partnership, and direct accounts and inquiries and make an order for the sale of such interest or other orders as might have been directed or made if a charge had been made in favour of the decree-holder by such partner, or as the circumstances of the case may require.

(*3*) The other partner or partners shall be at liberty at any time to redeem the interest charged or, in the case of a sale being directed, to purchase the same.

(*4*) Every application for an order under sub-rule (*2*) shall be served on the judgment-debtor and on his partners or such of them as are within British India.

(*5*) Every application made by any partner of the judgment-debtor under sub-rule (*3*) shall be served on the decree-holder and on the judgment debtor, and on such of the other partners as do not join in the application and as are within British India.

(*6*) Service under sub-rule (*4*) or sub-rule (*5*) shall be deemed to be service on all the partners, and all orders made on such applications shall be similarly served.

Execution of decree against firm.

50. (*1*) Where a decree has been passed against a firm, execution may be granted—

(*a*) against any property of the partnership;

(*b*) against any person who has appeared in his own name under rule 6 or rule 7 of Order XXX or who has admitted on the pleadings that he is, or who has been adjudged to be, a partner;

(*c*) against any person who has been individually served as a partner with a summons and has failed to appear:

Provided that nothing in this sub-rule shall be deemed to limit or otherwise affect the provisions of section 247 of the Indian Contract Act, 1872. IX of 1872.

(*2*) Where the decree-holder claims to be entitled to cause the decree to be executed against any person other than such a person as is referred to in sub-rule (*1*), clauses (*b*) and (*c*), as being a partner in the firm, he may apply to the Court which passed the decree for leave, and where the liability is not disputed, such Court may grant such leave, or, where such liability is disputed, may order that the liability of such person be tried and determined in any manner in which any issue in a suit may be tried and determined.

(*3*) Where the liability of any person has been tried and determined under sub-rule (*2*), the order made thereon shall have the same force and be subject to the same conditions as to appeal or otherwise as if it were a decree.

(*4*) Save as against any property of the partnership, a decree against a firm shall not release, render liable or otherwise affect any partner therein unless he has been served with a summons to appear and answer.

Attachment of negotiable instruments.

51. Where the property is a negotiable instrument not deposited in a Court, nor in the custody of a public officer, the attachment shall be made by actual seizure, and the instrument shall be brought into Court and held subject to further orders of the Court.

Attachment of property in custody of Court or public officer.

52. Where the property to be attached is in the custody of any Court or public officer, the attachment shall be made by a notice to such Court or officer, requesting that such property, and any interest or dividend becoming payable thereon, may be held subject to the further orders of the Court from which the notice is issued:

Provided that, where such property is in the custody of a Court, any question of title or priority arising between the decree-holder and any other person, not being the judgment-debtor, claiming to be interested in such property by virtue of any assignment, attachment or otherwise, shall be determined by such Court.

Attachment of decrees.

53. (*1*) Where the property to be attached is a decree, either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made,—

(*a*) if the decrees were passed by the same Court, then by order of such Court, and,

(*b*) if the decree sought to be attached was passed by another Court, then by the issue to such other Court of a notice by the Court which passed the decree sought to be executed, requesting such other Court to stay the execution of its decree unless and until—

(*i*) the Court which passed the decree sought to be executed cancels the notice, or

(*ii*) the holder of the decree sought to be executed or his judgment-debtor applies to the Court receiving such notice to execute its own decree.

(*2*) Where a Court makes an order under clause (*a*) of sub-rule (*1*), or receives an application under sub-head (*ii*) of clause (*b*) of the said sub-rule, it shall, on the application of the creditor who has attached the decree or his judgment-debtor, proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree sought to be executed.

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(3) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in sub-rule (1) shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner lawful for the holder thereof.

(4) Where the property to be attached in the execution of a decree is a decree other than a decree of the nature referred to in sub-rule (1), the attachment shall be made, by a notice by the Court which passed the decree sought to be executed, to the holder of the decree sought to be attached, prohibiting him from transferring or charging the same in any way; and, where such decree has been passed by any other Court, also by sending to such other Court a notice to abstain from executing the decree sought to be attached until such notice is cancelled by the Court from which it was sent.

(5) The holder of a decree attached under this rule shall give the Court executing the decree such information and aid as may reasonably be required.

(6) On the application of the holder of a decree sought to be executed by the attachment of another decree, the Court making an order of attachment under this rule shall give notice of such order to the judgment-debtor bound by the decree attached; and no payment or adjustment of the attached decree made by the judgment-debtor in contravention of such order after receipt of notice thereof, either through the Court or otherwise, shall be recognized by any Court so long as the attachment remains in force.

Attachment of immoveable property.

54. (1) Where the property is immoveable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.

(2) The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then upon a conspicuous part of the court-house, and also, where the property is land paying revenue to the Government, in the office of the Collector of the district in which the land is situate.

Removal of attachment after satisfaction of decree.

55. Where—

(a) the amount decreed with costs and all charges and expenses resulting from the attachment of any property are paid into Court, or

(b) satisfaction of the decree is otherwise made through the Court or certified to the Court, or

(c) the decree is set aside or reversed,

the attachment shall be deemed to be withdrawn, and, in the case of immoveable property, the withdrawal shall, if the judgment-debtor so desires, be proclaimed at his expense, and a copy of the proclamation shall be affixed in the manner prescribed by the last preceding rule.

Order for payment of coin or currency notes to party entitled under decree.

56. Where the property attached is current coin or currency notes, the Court may, at any time during the continuance of the attachment, direct that such coin or notes, or a part thereof sufficient to satisfy the decree, be paid over to the party entitled under the decree to receive the same.

Determination of attachment.

57. Where any property has been attached in execution of a decree but by reason of the decree-holder's default the Court is unable to proceed further with the application for execution, it shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application the attachment shall cease.

Investigation of claims and objections.

Investigation of claims to, and objections to attachment of, attached property.

58. (1) Where any claim is preferred to, or any objection is made to the attachment of, any property attached in execution of a decree on the ground that such property is not liable to such attachment, the Court shall proceed to investigate the claim or objection with the like power as regards the examination of the claimant or objector, and in all other respects, as if he was a party to the suit:

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

Postponement of sale.

(2) Where the property to which the claim or objection applies has been advertised for sale, the Court ordering the sale may postpone it pending the investigation of the claim or objection.

Evidence to be adduced by claimant.

59. The claimant or objector must adduce evidence to show that at the date of the attachment he had some interest in, or was possessed of, the property attached.

Release of property from attachment.

60. Where upon the said investigation the Court is satisfied that for the reason stated in the claim or objection such property was not, when attached, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall make an order releasing the property, wholly or to such extent as it thinks fit, from attachment.

Disallowance of claim to property attached.

61. Where the Court is satisfied that the property was, at the time it was attached, in the possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim.

Continuance of attachment subject to claim of incumbrancer.

62. Where the Court is satisfied that the property is subject to a mortgage or charge in favour of some person not in possession, and thinks fit to continue the attachment, it may do so, subject to such mortgage or charge.

Saving of suits to establish right to attached property.

63. Where a claim or an objection is preferred, the party against whom an order is made may institute a suit to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be conclusive.

Sale generally.

Power to order property attached to be sold and proceeds to be paid to person entitled.

64. Any Court executing a decree may order that any property attached by it and liable to sale, or such portion thereof as may seem necessary to satisfy the decree, shall be sold, and that the proceeds of such sale, or a sufficient portion thereof, shall be paid to the party entitled under the decree to receive the same.

Sales by whom conducted and how made.

65. Save as otherwise prescribed, every sale in execution of a decree shall be conducted by an officer of the Court or by such other person as the Court may appoint in this behalf, and shall be made by public auction in manner prescribed.

Proclamation of sales by public auction.

66. (1) Where any property is ordered to be sold by public auction in execution of a decree, the Court shall cause a proclamation of the intended sale to be made in the language of such Court.

(2) Such proclamation shall be drawn up after notice to the decree-holder and the judgment-debtor and shall state the time and place of sale, and specify as fairly and accurately as possible—

(a) the property to be sold;

(b) the revenue assessed upon the estate or part of the estate, where the property to be sold is an interest in an estate or in part of an estate paying revenue to the Government;

(c) any incumbrance to which the property is liable;

(d) the amount for the recovery of which the sale is ordered; and

(e) every other thing which the Court considers material for a purchaser to know in order to judge of the nature and value of the property.

(3) Every application for an order for sale under this rule shall be accompanied by a statement signed and verified in the manner hereinbefore prescribed for the signing and verification of pleadings and containing, so

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far as they are known to or can be ascertained by the person making the verification, the matters required by sub-rule (2) to be specified in the proclamation.

(4) For the purpose of ascertaining the matters [illegible] specified in the proclamation, the Court may summon any person whom it thinks necessary to summon and may examine him in respect to any such matters and require him to produce any document in his possession or power relating thereto.

Mode of making proclamation.

67. (1) Every proclamation shall be made and published, as nearly as may be, in the manner prescribed by rule 54, sub-rule (2).

(2) Where the Court so directs, such proclamation shall also be published in the local official Gazette or in a local newspaper, or in both, and the costs of such publication shall be deemed to be costs of the sale.

(3) Where property is divided into lots for the purpose of being sold separately, it shall not be necessary to make a separate proclamation for each lot, unless proper notice of the sale cannot, in the opinion of the Court, otherwise be given.

Time of sale.

68. Save in the case of property of the kind described in the proviso to rule 43, no sale hereunder shall, without the consent in writing of the judgment-debtor, take place until after the expiration of at least thirty days in the case of immoveable property, and of at least fifteen days in the case of moveable property, calculated from the date on which the copy of the proclamation has been affixed on the court-house of the Judge ordering the sale.

Adjournment or stoppage of sale.

69. (1) The Court may, in its discretion, adjourn any sale hereunder to a specified day and hour, and the officer conducting any such sale may in his discretion adjourn the sale, recording his reasons for such adjournment:

Provided that, where the sale is made in, or within the precincts of, the court-house, no such adjournment shall be made without the leave of the Court.

(2) Where a sale is adjourned under sub-rule (1) for a longer period than seven days, a fresh proclamation under rule 67 shall be made, unless the judgment-debtor consents to waive it.

(3) Every sale shall be stopped if, before the lot is knocked down, the debt and costs (including the costs of the sale) are tendered to the officer conducting the sale, or proof is given to his satisfaction that the amount of such debt and costs has been paid into the Court which ordered the sale.

Saving of certain sales.

70. Nothing in rules 66 to 69 shall be deemed to apply to any case in which the execution of a decree has been transferred to the Collector.

Defaulting purchaser answerable for loss on re-sale.

71. Any deficiency of price which may happen on a re-sale by reason of the purchaser's default, and all expenses attending such re-sale, shall be certified to the Court or to the [illegible] or subordinate of the Collector, as the case may [illegible] officer or other person holding the sale, and shall, at the instance of either the decree-holder or the judgment-debtor, be recoverable from the defaulting purchaser under the provisions relating to the execution of a decree for the payment of money.

Decree-holder not to bid for or buy property without permission.

72. (1) No holder of a decree in execution of which property is sold shall, without the express permission of the Court, bid for or purchase the property.

Where decree-holder purchases, amount of decree may be taken as payment.

(2) Where a decree-holder purchases with such permission, the purchase-money and the amount due on the decree may, subject to the provisions of section 73, be set off against one another, and the Court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly.

(3) Where a decree-holder purchases, by himself or through another person, without such permission, the Court may, if it thinks fit, on the application of the judgment-debtor or any other person whose interests are affected by the sale, by order set aside the sale; and the costs of such application and order, and any deficiency of price which may happen on the re-sale and all expenses attending it, shall be paid by the decree-holder.

Restriction on bidding or purchase by officers.

73. No officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

Sale of moveable property.

Sale of agricultural produce

74. (1) Where the property to be sold is agricultural produce, the sale shall be held,—

(a) if such produce is a growing crop, on or near the land on which such crop has grown, or,

(b) if such produce has been cut or gathered, at or near the threshing-floor or place for treading out grain or the like or fodder-stack on or in which it is deposited:

Provided that the Court may direct the sale to be held at the nearest place of public resort, if it is of opinion that the produce is thereby likely to sell to greater advantage.

(2) Where, on the produce being put up for sale,—

(a) a fair price, in the estimation of the person holding the sale, is not offered for it, and

(b) the owner of the produce or a person authorized to act in his behalf applies to have the sale postponed till the next day or, if a market is held at the place of sale, the next market-day,

the sale shall be postponed accordingly and shall be then completed, whatever price may be offered for the produce.

Special provisions relating to growing crops.

75. (1) Where the property to be sold is a growing crop and the crop from its nature admits of being stored but has not yet been stored, the day of the sale shall be so fixed as to admit of its being made ready for storing before the arrival of such day, and the sale shall not be held until the crop has been cut or gathered and is ready for storing.

(2) Where the crop from its nature does not admit of being stored, it may be sold before it is cut and gathered, and the purchaser shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting or gathering it.

Negotiable instruments and shares in corporations.

76. Where the property to be sold is a negotiable instrument or a share in a corporation, the Court may, instead of directing the sale to be made by public auction, authorize the sale of such instrument or share through a broker.

Sale by public auction.

77. (1) Where moveable property is sold by public auction the price of each lot shall be paid at the time of sale or as soon after as the officer or other person holding the sale directs, and in default of payment the property shall forthwith be re-sold.

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(2) On payment of the purchase-money, the officer or other person holding the sale shall grant a receipt for the same, and the sale shall become absolute.

(3) Where the moveable property to be sold is a share in goods belonging to the judgment-debtor and a co-owner, and two or more persons, of whom one is such co-owner, respectively bid the same sum for such property or for any lot, the bidding shall be deemed to be the bidding of the co-owner.

Irregularity not to vitiate sale, but any person injured may sue.

78. No irregularity in publishing or conducting the sale of moveable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation or (if such other person is the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

Delivery of moveable property, debts and shares.

79. (1) Where the property sold is moveable property of which actual seizure has been made, it shall be delivered to the purchaser.

(2) Where the property sold is moveable property in the possession of some person other than the judgment-debtor, the delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser.

(3) Where the property sold is a debt not secured by a negotiable instrument, or is a share in a corporation, the delivery thereof shall be made by a written order of the Court prohibiting the creditor from receiving the debt or any interest thereon, and the debtor from making payment thereof to any person except the purchaser. or prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the manager, secretary or other proper officer of the corporation from permitting any such transfer or making any such payment to any person except the purchaser.

Transfer of negotiable instruments and shares.

80. (1) Where the execution of a document or the endorsement of the party in whose name a negotiable instrument or a share in a corporation is standing is required to transfer such negotiable instrument or share, the Judge or such officer as he may appoint in this behalf may execute such document or make such endorsement as may be necessary, and such execution or endorsement shall have the same effect as an execution or endorsement by the party.

(2) Such execution or endorsement may be in the following form, namely :—

A. B. by C. D., Judge of the Court of (or as the case may be), in a suit by E. F. against A. B.

(3) Until the transfer of such negotiable instrument o share, the Court may, by order, appoint some person to receive any interest or dividend due thereon and to sign a receipt for the same; and any receipt so signed shall be as valid and effectual for all purposes as if the same had been signed by the party himself.

Vesting order in case of other property.

81. In the case of any moveable property not hereinbefore provided for, the Court may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

Sale of immoveable property.

What Courts may order saes.

82. Sales of immoveable property in execution of decrees may be ordered by any Court other than a Court of Small Causes.

Postponement of sale to enable judgment-debtor to raise amount of decree.

83. (1) Where an order for the sale of immoveable property has been made, if the judgment-debtor can satisfy the Court that there is reason to believe that the amount of the decree may be raised by the mortgage or lease or private sale of such property, or some part thereof, or of any other immoveable property of the judgment-debtor, the Court may, on his application, postpone the sale of the property comprised in the order for sale on such terms and for such period as it thinks proper, to enable him to raise the amount.

(2) In such case the Court shall grant a certificate to the judgment-debtor authorizing him within a period to be mentioned therein, and notwithstanding anything contained in section 64, to make the proposed mortgage, lease or sale :

Provided that all monies payable under such mortgage, lease or sale shall be paid, not to the judgment-debtor, but, save in so far as a decree-holder is entitled to set off such money under the provisions of rule 72, into Court :

Provided also that no mortgage, lease or sale under this rule shall become absolute until it has been confirmed by the Court.

(3) Nothing in this rule shall be deemed to apply to a sale of property directed to be sold in execution of a decree for sale in enforcement of a mortgage of, or charge on, such property.

Deposit by purchaser and re-sale on default.

84. (1) On every sale of immoveable property the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per cent. on the amount of his purchase-money to the officer or other person conducting the sale, and, in default of such deposit, the property shall forthwith be re-sold.

(2) Where the decree-holder is the purchaser and is entitled to set off the purchase-money under rule 72, the Court may dispense with the requirements of this rule.

Time for payment in full of purchase-money.

85. The full amount of purchase-money payable shall be paid by the purchaser into Court before the Court closes on the fifteenth day from the sale of the property :

Provided that, in calculating the amount to be so paid into Court, the purchaser shall have the advantage of any set-off to which he may be entitled under rule 72.

Procedure in default of payment.

86. In default of payment within the period mentioned in the last preceding rule, the deposit may, if the Court thinks fit, after defraying the expenses of the sale, be forfeited to the Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.

Notification on re-sale.

87. Every re-sale of immoveable property, in default of payment of the purchas money within the peri allowed for such payment, shall be made after th a fresh proclamation in the manner and for the period hereinbefore prescribed for the sale.

Bid of co-sharer to have preference.

88. Where the property sold is a share of undivided immoveable property and two o more persons, of whom one is a co sharer, respectively bid the sam sum for such property or for any lot, the bid shall b deemed to be the bid of the co-sharer.

Application to set aside sale on deposit.

89. (1) Where immoveable property has been sol in execution of a decree, an person, either owning such pr perty or holding an intere therein by virtue of a title acquired before such sal

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XXI.—Execution of Decrees and Orders.)

may apply to have the sale set aside on his depositing in Court,—

(a) for payment to the purchaser, a sum equal to five per cent. of the purchase-money, and

(b) for payment to the decree-holder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may, since the date of such proclamation of sale, have been received by the decree-holder.

(2) Where a person applies under rule 90 to set aside the sale of his immoveable property, he shall not, unless he withdraws his application, be entitled to make or prosecute an application under this rule.

(3) Nothing in this rule shall relieve the judgment-debtor from any liability he may be under in respect of costs and interest not covered by the proclamation of sale.

Application to set aside sale on ground of irregularity or fraud.

90. (1) Where any immoveable property has been sold in execution of a decree, the decree-holder, or any person entitled to share in a rateable distribution of assets, or whose interests are affected by the sale, may apply to the Court to set aside the sale on the ground of a material irregularity or fraud in publishing or conducting it:

Provided that no sale shall be set aside on the ground of irregularity or fraud unless upon the facts proved the Court is satisfied that the applicant has sustained substantial injury by reason of such irregularity or fraud.

Application by purchaser to set aside sale on ground of judgment-debtor having no saleable interest.

91. The purchaser at any such sale in execution of a decree may apply to the Court to set aside the sale, on the ground that the judgment-debtor had no saleable interest in the property sold.

Sale when to become absolute or be set aside.

92. (1) Where no application is made under rule 89, rule 90 or rule 91, or where such application is made and disallowed, the Court shall make an order confirming the sale, and thereupon the sale shall become absolute.

(2) Where such application is made and allowed, and where, in the case of an application under rule 89, the deposit required by that rule is made within thirty days from the date of sale, the Court shall make an order setting aside the sale:

Provided that no order shall be made unless notice of the application has been given to all persons affected thereby.

(3) No suit to set aside an order made under this rule shall be brought by any person against whom such order is made.

Return of purchase-money in certain cases.

93. Where a sale of immoveable property is set aside under rule 92, the purchaser shall be entitled to an order for repayment of his purchase-money, with or without interest as the Court may direct, against any person to whom it has been paid.

Certificate to purchaser.

94. Where a sale of immoveable property has become absolute, the Court shall grant a certificate specifying the property sold and the name of the person who at the time of sale is declared to be the purchaser. Such certificate shall bear date the day on which the sale became absolute.

Delivery of property in occupancy of judgment-debtor.

95. Where the immoveable property sold is in the occupancy of the judgment-debtor or of some person on his behalf or of some person claiming under a title created by the judgment-debtor subsequently to the attachment of such property and a certificate in respect thereof has been granted under rule 94, the Court shall, on the application of the purchaser, order delivery to be made by putting such purchaser, or any person whom he may appoint to receive delivery on his behalf in possession of the property, and, if need be, by removing any person who refuses to vacate the same.

Delivery of property in occupancy of tenant.

96. Where the property sold is in the occupancy of a tenant or other person entitled to occupy the same and a certificate in respect thereof has been granted under rule 94, the Court shall on the application of the purchaser, order delivery to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode, at some convenient place, that the interest of the judgment-debtor has been transferred to the purchaser.

Resistance to delivery of possession to decree-holder or purchaser.

Resistance or obstruction to possession of immoveable property.

97. (1) Where the holder of a decree for the possession of immoveable property or the purchaser of any such property sold in execution of a decree is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the Court complaining of such resistance or obstruction.

(2) The Court shall fix a day for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

Resistance or obstruction by judgment-debtor.

98. Where the Court is satisfied that the resistance or obstruction was occasioned without any just cause by the judgment-debtor or by some other person at his instigation, it shall direct that the applicant be put into possession of the property, and where the applicant is still resisted or obstructed in obtaining possession, the Court may also, at the instance of the applicant, order the judgment-debtor, or any person acting at his instigation, to be detained in the civil prison for a term which may extend to thirty days.

Resistance or obstruction by *bonâ fide* claimant.

99. Where the Court is satisfied that the resistance or obstruction was occasioned by any person (other than the judgment-debtor) claiming in good faith to be in possession of the property on his own account or on account of some person other than the judgment-debtor, the Court shall make an order dismissing the application.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XXI.—Execution of Decrees and Orders. Order XXII.—Death, Marriage and Insolvency of Parties.)

Dispossession by decree-holder or purchaser.

100. (*1*) Where any person other than the judgment-debtor is dispossessed of immoveable property by the holder of a decree for the possession of such property or, where such property has been sold in execution of a decree, by the purchaser thereof, he may make an application to the Court complaining of such dispossession.

(*2*) The Court shall fix a day for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

Bonâ fide claimant to be restored to possession.

101. Where the Court is satisfied that the applicant was in possession of the property on his own account or on account of some person other than the judgment-debtor, it shall direct that the applicant be put into possession of the property.

Rules not applicable to transferee *lite pendente*.

102. Nothing in rules 99 and 101 shall apply to resistance or obstruction in execution of a decree for the possession of immoveable property by a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree was passed or to the dispossession of any such person.

Orders conclusive subject to regular suit.

103. Any party not being a judgment-debtor against whom an order is made under rule 98, rule 99 or rule 101 may institute a suit to establish the right which he claims to the present possession of the property; but, subject to the result of such suit, if any, the order shall be conclusive.

ORDER XXII.

Death, Marriage and Insolvency of Parties.

No abatement by party's death, if right to sue survives.

1. The death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives.

Procedure where one of several plaintiffs or defendants dies and right to sue survives.

2. Where there are more plaintiffs or defendants than one, and any of them dies, and where the right to sue survives to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the Court shall cause an entry to that effect to be made on the record, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

Procedure in case of death of one of several plaintiffs or of sole plaintiff.

3. (*1*) Where one of two or more plaintiffs dies and the right to sue does not survive to the surviving plaintiff or plaintiffs alone, or a sole plaintiff or sole surviving plaintiff dies and the right to sue survives, the Court, on an application made in that behalf, shall cause the legal representative of the deceased plaintiff to be made a party and shall proceed with the suit.

(*2*) Where within the time limited by law no application is made under sub-rule (*1*), the suit shall abate so far as the deceased plaintiff is concerned, and, on the application of the defendant, the Court may award to him the costs which he may have incurred in defending the suit, to be recovered from the estate of the deceased plaintiff.

Procedure in case of death of one of several defendants or of sole defendant.

4. (*1*) Where one of two or more defendants dies and the right to sue does not survive against the surviving defendant or defendants alone, or a sole defendant or sole surviving defendant dies and the right to sue survives, the Court, on an application made in that behalf, shall cause the legal representative of the deceased defendant to be made a party and shall proceed with the suit.

(*2*) Any person so made a party may make any defence appropriate to his character as legal representative of the deceased defendant.

(*3*) Where within the time limited by law no application is made under sub-rule (1), the suit shall abate as against the deceased defendant.

Determination of question as to legal representative.

5. Where a question arises as to whether any person is or is not the legal representative of a deceased plaintiff or a deceased defendant, such question shall be determined by the Court.

No abatement by reason of death after hearing.

6. Notwithstanding anything contained in the foregoing rules, whether the cause of action survives or not, there shall be no abatement by reason of the death of either party between the conclusion of the hearing and the pronouncing of the judgment, but judgment may in such case be pronounced notwithstanding the death and shall have the same force and effect as it it had been pronounced before the death took place.

Suit not abated by marriage of female party.

7. (*1*) The marriage of a female plaintiff or defendant shall not cause the suit to abate, but the suit may notwithstanding be proceeded with to judgment, and, where the decree is against a female defendant, it may be executed against her alone.

(*2*) Where the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and, in case of judgment for the wife, execution of the decree may, with such permission, be issued upon the application of the husband, where the husband is by law entitled to the subject-matter of the decree.

When plaintiff's insolvency bars suit.

8. (*1*) The insolvency of a plaintiff in any suit which the assignee or receiver might maintain for the benefit of his creditors, shall not cause the suit to abate, unless such assignee or receiver declines to continue the suit or (unless for any special reason the Court otherwise directs) to give security for the costs thereof within such time as the Court may direct.

The Code of Civil Procedure, 1908.

(*The First Schedule.*)

(*Order XXII.—Death, Marriage and Insolvency of Parties. Order XXIII.—Withdrawal and Adjustment of suits. Order XXIV.—Payment into Court.*)

Procedure where assignee fails to continue suit or give security.

(2) Where the assignee or receiver neglects or refuses to continue the suit and to give such security within the time so ordered, the defendant may apply for the dismissal of the suit on the ground of the plaintiff's insolvency, and the Court may make an order dismissing the suit and awarding to the defendant the costs which he has incurred in defending the same to be proved as a debt against the plaintiff's estate.

Effect of abatement or dismissal.

9. (1) Where a suit abates or is dismissed under this Order, no fresh suit shall be brought on the same cause of action.

(2) The plaintiff or the person claiming to be the legal representative of a deceased plaintiff or the assignee or the receiver in the case of an insolvent plaintiff may apply for an order to set aside the abatement or dismissal; and if it is proved that he was prevented by any sufficient cause from continuing the suit, the Court shall set aside the abatement or dismissal upon such terms as to costs or otherwise as it thinks fit.

(3) The provisions of section 5 of the Indian Limitation Act, 1877, shall apply to applications under sub-rule (2). [I 1877.]

Procedure in case of assignment before final order in suit.

10. (1) In other cases of an assignment, creation or devolution of any interest during the pendency of a suit, the suit may, by leave of the Court, be continued by or against the person to or upon whom such interest has come or devolved.

(2) The attachment of a decree pending an appeal therefrom shall be deemed to be an interest entitling the person who procured such attachment to the benefit of sub-rule (1).

Application of Order to appeals.

11. In the application of this Order to appeals, so far as may be, the word "plaintiff" shall be held to include an appellant, the word "defendant" a respondent, and the word "suit" an appeal.

Application of Order to proceedings.

12. Nothing in rules 3, 4 and 8 shall apply to proceedings in execution of a decree or order.

ORDER XXIII.

Withdrawal and Adjustment of Suits.

Withdrawal of suit or abandonment of part of claim.

1. (1) At any time after the institution of a suit the plaintiff may, as against all or any of the defendants, withdraw his suit or abandon part of his claim.

(2) Where the Court is satisfied—

(a) that a suit must fail by reason of some formal defect, or

(b) that there are other sufficient grounds for allowing the plaintiff to institute a fresh suit for the subject-matter of a suit or part of a claim,

it may, on such terms as it thinks fit, grant the plaintiff permission to withdraw from such suit or abandon such part of a claim with liberty to institute a fresh suit in respect of the subject-matter of such suit or such part of a claim.

(3) Where the plaintiff withdraws from a suit, or abandons part of a claim, without the permission referred to in sub-rule (2), he shall be liable for such costs as the Court may award and shall be precluded from instituting any fresh suit in respect of such subject-matter or such part of the claim.

(4) Nothing in this rule shall be deemed to authorize the Court to permit one of several plaintiffs to withdraw without the consent of the others.

Limitation law not affected by first suit.

2. In any fresh suit instituted on permission granted under the last preceding rule, the plaintiff shall be bound by the law of limitation in the same manner as if the first suit had not been instituted.

Compromise of suit.

3. Where it is proved to the satisfaction of the Court that a suit has been adjusted wholly or in part by any lawful agreement or compromise, or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject-matter of the suit, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a decree in accordance therewith so far as it relates to the suit.

Proceedings in execution of decrees not affected.

4. Nothing in this Order shall apply to any proceedings in execution of a decree or order.

ORDER XXIV.

Payment into Court.

Deposit by defendant of amount in satisfaction of claim.

1. The defendant in any suit to recover a debt or damages may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the claim.

Notice of deposit.

. Notice of the deposit shall be given through the Court by the defendant to the plaintiff, and the amount of the deposit shall (unless the Court otherwise directs) be paid to the plaintiff on his application.

Interest on deposit not allowed to plaintiff after notice.

3. No interest shall be allowed to the plaintiff on any sum deposited by the defendant from the date of the receipt of such notice, whether the sum deposited is in full of the claim or falls short thereof.

Procedure where plaintiff accepts deposit as satisfaction in part.

4. (1) Where the plaintiff accepts such amount as satisfaction in part only of his claim, he may prosecute his suit for the balance; and, if the Court decides that the deposit by the defendant was a full satisfaction of the plaintiff's claim, the plaintiff shall pay the costs of the suit incurred after the deposit and the costs incurred previous thereto, so far as they were caused by excess in the plaintiff's claim.

Procedure where he accepts it as satisfaction in full.

(2) Where the plaintiff accepts such amount as satisfaction in full of his claim, he shall present to the Court a statement to that effect, and such statement shall be filed and the Court shall pronounce judgment accordingly; and, in directing by whom the costs of each party are to be paid, the Court shall consider which of the parties is most to blame for the litigation.

Illustrations.

(a) A owes B Rs. 100. B sues A for the amount, having made no demand for payment and having no reason to believe that the delay caused by making a demand would place him at a disadvantage. On the plaint being filed, A pays the money into Court. B accepts it in full satisfaction of his claim, but the Court should not allow him any costs, the litigation being presumably groundless on his part.

(b) B sues A under the circumstances mentioned in illustration (a). On the plaint being filed, A disputes the claim. Afterwards A pays the money into Court. B accepts it in full satisfaction of his claim. The Court should also give B his costs of suit, A's conduct having shown that the litigation was necessary.

(c) A owes B Rs. 100, and is willing to pay him that sum without suit. B claims Rs. 150 and sues A for that amount. On the plaint being filed A pays Rs. 100 into Court and disputes only his liability to pay the remaining Rs. 50. B accepts the Rs. 100 in full satisfaction of his claim. The Court should order him to pay A's costs.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XXV.—Security for Costs Order XXVI.—Commissions.)

ORDER XXV.

Security for Costs.

When security for costs may be required from plaintiff.

1. (*1*) Where, at any stage of a suit, it appears to the Court that a sole plaintiff is, or (when there are more plaintiffs than one) that all the plaintiffs are, residing out of British India, and that such plaintiff does not, or that no one of such plaintiffs does, possess any sufficient immoveable property within British India other than the property in suit, the Court may, either of its own motion or on the application of any defendant, order the plaintiff or plaintiffs, within a time fixed by it, to give security for the payment of all costs incurred and likely to be incurred by any defendant.

Residence out of British India.

(*2*) Whoever leaves British India under such circumstances as to afford reasonable probability that he will not be forthcoming whenever he may be called upon to pay costs shall be deemed to be residing out of British India within the meaning of sub-rule (*1*).

(*3*) On the application of any defendant in a suit for the payment of money, in which the plaintiff is a woman, the Court may at any stage of the suit make a like order if it is satisfied that such plaintiff does not possess any sufficient immoveable property within British India.

Effect of failure to furnish security.

2. (*1*) In the event of such security not being furnished within the time fixed, the Court shall make an order dismissing the suit unless the plaintiff or plaintiffs are permitted to withdraw therefrom.

(*2*) Where a suit is dismissed under this rule, the plaintiff may apply for an order to set the dismissal aside, and, if it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from furnishing the security within the time allowed, the Court shall set aside the dismissal upon such terms as to security, costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

(*3*) The dismissal shall not be set aside unless notice of such application has been served on the defendant.

ORDER XXVI.

Commissions.

Commissions to examine witnesses.

Cases in which Court may issue commission to examine witness.

1. Any Court may in any suit issue a commission for the examination on interrogatories or otherwise of any person resident within the local limits of its jurisdiction who is exempted under this Code from attending the Court or who is from sickness or infirmity unable to attend it.

Order for commission.

2. An order for the issue of a commission for the examination of a witness may be made by the Court either of its own motion or on the application, supported by affidavit or otherwise, of any party to the suit or of the witness to be examined.

Where witness resides within Court's jurisdiction.

3. A commission for the examination of a person who resides within the local limits of the jurisdiction of the Court issuing the same may be issued to any person whom the Court thinks fit to execute.

Persons for whose examination commission may issue.

4. (*1*) Any Court may in any suit issue a commission for the examination of—

(*a*) any person resident beyond the local limits of its jurisdiction;

(*b*) any person who is about to leave such limits before the date on which he is required to be examined in Court; and

(*c*) any civil or military officer of the Government who cannot, in the opinion of the Court, attend without detriment to the public service.

(*2*) Such commission may be issued to any Court, not being a High Court, within the local limits of whose jurisdiction such person resides, or to any pleader or other person whom the Court issuing the commission may appoint.

(*3*) The Court on issuing any commission under this rule shall direct whether the commission shall be returned to itself or to any subordinate Court.

Commission or Request to examine witness not within British India.

5. Where any Court to which application is made for the issue of a commission for the examination of a person residing at any place not within British India is satisfied that the evidence of such person is necessary, the Court may issue such commission or a letter of request.

Court to examine witness pursuant to commission.

6. Every Court receiving a commission for the examination of any person shall examine him or cause him to be examined pursuant thereto.

Return of commission with depositions of witnesses.

7. Where a commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Court from which it was issued, unless the order for issuing the commission has otherwise directed, in which case the commission shall be returned in terms of such order; and the commission and the return thereto and the evidence taken under it shall (subject to the provisions of the next following rule) form part of the record of the suit.

When depositions may be read in evidence.

8. Evidence taken under a commission shall not be read as evidence in the suit without the consent of the party against whom the same is offered, unless—

(*a*) the person who gave the evidence is beyond the jurisdiction of the Court, or dead or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Court, or is a civil or military officer of the Government who cannot, in the opinion of the Court, attend without detriment to the public service, or

(*b*) the Court in its discretion dispenses with the proof of any of the circumstances mentioned in clause (*a*), and authorizes the evidence of any person being read as evidence in the suit, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

Commissions for local investigations.

Commissions to make local investigations.

9. In any suit in which the Court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the market-value of any property, or the amount of any mesne profits or damages or annual net profits, the Court may issue a commission to such person as it thinks fit directing him to make such investigation and to report thereon to the Court:

Provided that, where the Local Government has made rules as to the persons to whom such commission shall be issued, the Court shall be bound by such rules.

Procedure of Commissioner.

10. (*1*) The Commissioner, after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence, together with his report in writing signed by him, to the Court.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XXVI.—Commissions. Order XXVII.—Suits by or against the Government or Public Officers in their official capacity.)

(2) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the suit and shall form part of the record; but the Court or, with the permission of the Court, any of the parties to the suit, may examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to his report, or as to the manner in which he has made the investigation.

Report and depositions to be evidence in suit.

Commissioner may be examined in person.

(3) Where the Court is for any reason dissatisfied with the proceedings of the Commissioner, it may direct such further inquiry to be made as it shall think fit.

Commissions to examine accounts.

11. In any suit in which an examination or adjustment of accounts is necessary, the Court may issue a commission to such person as it thinks fit directing him to make such examination or adjustment.

Commission to examine or adjust accounts.

12. (1) The Court shall furnish the Commissioner with such part of the proceedings and such instructions as appear necessary, and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his examination.

Court to give Commissioner necessary instructions.

(2) The proceedings and report (if any) of the Commissioner shall be evidence in the suit, but where the Court has reason to be dissatisfied with them, it may direct such further inquiry as it shall think fit.

Proceedings and report to be evidence. Court may direct further inquiry.

Commissions to make partitions.

13. Where a preliminary decree for partition has been passed, the Court may, in any case not provided for by section 54, issue a commission to such person as it thinks fit to make the partition or separation according to the rights as declared in such decree.

Commission to make partition of immoveable property.

14. (1) The Commissioner shall, after such inquiry as may be necessary, divide the property into as many shares as may be directed by the order under which the commission was issued, and shall allot such shares to the parties, and may, if authorized thereto by the said order, award sums to be paid for the purpose of equalizing the value of the shares.

Procedure of Commissioner.

(2) The Commissioner shall then prepare and sign a report or the Commissioners (where the commission was issued to more than one person and they cannot agree) shall prepare and sign separate reports appointing the share of each party and distinguishing each share (if so directed by the said order) by metes and bounds. Such report or reports shall be annexed to the commission and transmitted to the Court; and the Court, after hearing any objections which the parties may make to the report or reports, shall confirm, vary or set aside the same.

(3) Where the Court confirms or varies the report or reports it shall pass a decree in accordance with the same as confirmed or varied; but where the Court sets aside the report or reports it shall either issue a new commission or make such other order as it shall think fit.

General provisions.

15. Before issuing any commission under this Order, the Court may order such sum (if any) as it thinks reasonable for the expenses of the commission to be, within a time to be fixed, paid into Court by the party at whose instance or for whose benefit the commission is issued.

Expenses of commission to be paid into Court.

16. Any Commissioner appointed under this Order may, unless otherwise directed by the order of appointment,—

Powers of Commissioners.

(a) examine the parties themselves and any witness whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;

(b) call for and examine documents and other things relevant to the subject of inquiry;

(c) at any reasonable time enter upon or into any land or building mentioned in the order.

17. (1) The provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents under this Order whether the commission in execution of which they are so required has been issued by a Court situate within or by a Court situate beyond the limits of British India, and for the purposes of this rule the Commissioner shall be deemed to be a Civil Court.

Attendance and examination of witnesses before Commissioner.

(2) A Commissioner may apply to any Court (not being a High Court) within the local limits of whose jurisdiction a witness resides for the issue of any process which he may find it necessary to issue to or against such witness, and such Court may, in its discretion, issue such process as it considers reasonable and proper.

18. (1) Where a commission is issued under this Order, the Court shall direct that the parties to the suit shall appear before the Commissioner in person or by their agents or pleaders.

Parties to appear before Commissioner.

(2) Where all or any of the parties do not so appear, the Commissioner may proceed in their absence.

ORDER XXVII.

Suits by or against the Government or Public Officers in their official capacity.

1. In any suit by or against the Secretary of State for India in Council, the plaint or written statement shall be signed by such person as the Government may, by general or special order, appoint in this behalf, and shall be verified by any person whom the Government may so appoint and who is acquainted with the facts of the case.

Suits by or against Government.

2. Persons being *ex officio* or otherwise authorized to act for the Government in respect of any judicial proceeding shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of the Government.

Persons authorized to act for Government.

3. In suits by or against the Secretary of State for India in Council, instead of inserting in the plaint the name and description and place of residence of the plaintiff or defendant, it shall be sufficient to insert the words "The Secretary of State for India in Council."

Plaints in suits by or against Government.

4. The Government pleader in any Court, or such other person as the Local Government may for any Court appoint in this behalf, shall be the agent of the Government for the purpose of receiving processes against the Secretary of State for India in Council issued by such Court.

Agent for Government to receive process.

5. The Court, in fixing the day for the Secretary of State for India in Council to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channel, and for the issue of instructions to the Government pleader to appear and answer on behalf of the said Secretary of State for India in Council or the Government, and may extend the time at its discretion.

Fixing of day for appearance on behalf of Government.

The Code of Civil Procedure, 1908.
(*The First Schedule.*)

(*Order XXVII.—Suits by or against the Government or Public Officers in their official capacity. Order XXVIII.—Suits by or against Military Men. Order XXIX.—Suits by or against Corporations. Order XXX.—Suits by or against Firms and Persons carrying on business in names other than their own.*)

Attendance of person able to answer questions relating to suit against Government.

6. The Court may also, in any case in which the Government pleader is not accompanied by any person on the part of the Secretary of State for India in Council, who may be able to answer any material questions relating to the suit, direct the attendance of such a person.

Extension of time to enable public officer to make reference to Government.

7. Where the defendant is a public officer and, on receiving the summons, considers it proper to make a reference to the Government before answering the plaint, he may apply to the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channel.

(2) Upon such application the Court shall extend the time for so long as appears to it to be necessary.

Procedure in suits against public officer.

8. (1) Where the Government undertakes the defence of a suit against a public officer, the Government pleader, upon being furnished with authority to appear and answer the plaint, shall apply to the Court, and upon such application the Court shall cause a note of his authority to be entered in the register of civil suits.

(2) Where no application under sub-rule (1) is made by the Government pleader on or before the day fixed in the notice for the defendant to appear and answer, the case shall proceed as in a suit between private parties:

Provided that the defendant shall not be liable to arrest, nor his property to attachment, otherwise than in execution of a decree.

ORDER XXVIII.

Suits by or against Military Men.

Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them.

1. (1) Where any officer or soldier actually serving the Government in a military capacity is a party to a suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any person to sue or defend in his stead.

(2) The authority shall be in writing and shall be signed by the officer or soldier in the presence of (a) his commanding officer, or the next subordinate officer, if the party is himself the commanding officer, or (b) where the officer or soldier is serving in military staff employment, the head or other superior officer of the office in which he is employed. Such commanding or other officer shall countersign the authority, which shall be field in Court.

(3) When so filed the countersignature shall be sufficient proof that the authority was duly executed, and that the officer or soldier by whom it was granted could not obtain leave of absence for the purpose of prosecuting or defending the suit in person.

Explanation.—In this Order the expression "commanding officer" means the officer in actual command for the time being of any regiment, corps, detachment or depôt to which the officer or soldier belongs.

Person so authorized may act personally or appoint pleader.

2. Any person authorized by an officer or a soldier to prosecute or defend a suit in his stead may prosecute or defend it in person in the same manner as the officer or soldier could do if present; or he may appoint a pleader to prosecute or defend the suit on behalf of such officer or soldier.

Service on person so authorized, or on his pleader, to be good service.

3. Processes served upon any person authorized by an officer or a soldier under rule 1 or upon any pleader appointed as aforesaid by such person shall be as effectual as if they had been served on the party in person.

ORDER XXIX.

Suits by or against Corporations.

Subscription and verification of pleading.

1. In suits by or against a corporation, any pleading may be signed and verified on behalf of the corporation by the secretary or by any director or other principal officer of the corporation who is able to depose to the facts of the case.

Service on corporation.

2. Subject to any statutory provision regulating service of process, where the suit is against a corporation, the summons may be served—

(a) on the secretary, or on any director, or other principal officer of the corporation, or

(b) by leaving it or sending it by post addressed to the corporation at the registered office, or if there is no registered office then at the place where the corporation carries on business.

Power to require personal attendance of officer of corporation.

3. The Court may, at any stage of the suit, require the personal appearance of the secretary or of any director, or other principal officer of the corporation who may be able to answer material questions relating to the suit.

ORDER XXX.

Suits by or against Firms and Persons carrying on business in names other than their own.

Suing of partners in name of firm.

1. (1) Any two or more persons claiming or being liable as partners and carrying on business in British India may sue or be sued in the name of the firm (if any) of which such persons were partners at the time of the accruing of the cause of action, and any party to a suit may in such case apply to the Court for a statement of the names and addresses of the persons who were, at the time of the accruing of the cause of action, partners in such firm, to be furnished and verified in such manner as the Court may direct.

(2) Where persons sue or are sued as partners in the name of their firm under sub-rule (1), it shall, in the case of any pleading or other document required by or under this Code to be signed, verified or certified by the plaintiff or the defendant, suffice if such pleading or other document is signed, verified or certified by any one of such persons.

Disclosure of partners' names.

2. (1) Where a suit is instituted by partners in the name of their firm, the plaintiffs or their pleader shall, on demand in writing by or on behalf of any defendant, forthwith declare in writing the names and places of residence of all the persons constituting the firm on whose behalf the suit is instituted.

(2) Where the plaintiffs or their pleader fail to comply with any demand made under sub-rule (1), all proceedings in the suit may, upon an application for that purpose, be stayed upon such terms as the Court may direct.

(3) Where the names of the partners are declared in the manner referred to in sub-rule (1), the suit shall proceed in the same manner, and the same consequences in all respects shall follow, as if they had been named as plaintiffs in the plaint:

Provided that all the proceedings shall nevertheless continue in the name of the firm.

Service.

3. Where persons are sued as partners in the name of their firm, the summons shall be served either—

(a) upon any one or more of the partners, or

(b) at the principal place at which the partnership business is carried on within British India upon any person having, at the time of service, the control or management of the partnership business there,

as the Court may direct; and such service shall be deemed good service upon the firm so sued, whether all or any of the partners are within or without British India:

Provided that, in the case of a partnership which has been dissolved to the knowledge of the plaintiff before the institution of the suit, the summons shall be served upon every person within British India whom it is sought to make liable.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XXX.—Suits by or against Firms and Persons carrying on business in names other than their own. Order XXXI.—Suits by or against Trustees, Executors and Administrators. Order XXXII.—Suits by or against Minors and Persons of Unsound Mind.)

IX of 1872.

Right of suit on death of partner.

4. (1) Notwithstanding anything contained in section 45 of the Indian Contract Act, 1872, where two or more persons may sue or be sued in the name of a firm under the foregoing provisions and any of such persons dies, whether before the institution or during the pendency of any suit, it shall not be necessary to join the legal representative of the deceased as a party to the suit.

(2) Nothing in sub-rule (1) shall limit or otherwise affect any right which the legal representative of the deceased may have—

(a) to apply to be made a party to the suit, or

(b) to enforce any claim against the survivor or survivors.

Notice in what capacity served.

5. Where a summons is issued to a firm and is served in the manner provided by rule 3, every person upon whom it is served shall be informed by notice in writing given at the time of such service, whether he is served as a partner or as a person having the control or management of the partnership business, or in both characters, and, in default of such notice, the person served shall be deemed to be served as a partner.

Appearance of partners.

6. Where persons are sued as partners in the name of their firm, they shall appear individually in their own names, but all subsequent proceedings shall, nevertheless, continue in the name of the firm.

No appearance except by partners.

7. Where a summons is served in the manner provided by rule 3 upon a person having the control or management of the partnership business, no appearance by him shall be necessary unless he is a partner of the firm sued.

Appearance under protest.

8. Any person served with summons as a partner under rule 3 may appear under protest, denying that he is a partner, but such appearance shall not preclude the plaintiff from otherwise serving a summons on the firm and obtaining a decree against the firm in default of appearance where no partner has appeared.

Suits between co-partners.

9. This Order shall apply to suits between a firm and one or more of the partners therein and to suits between firms having one or more partners in common; but no execution shall be issued in such suits except by leave of the Court, and, on an application for leave to issue such execution, all such accounts and inquiries may be directed to be taken and made and directions given as may be just.

Suit against person carrying on business in name other than his own.

10. Any person carrying on business in a name or style other than his own name may be sued in such name or style as if it were a firm name; and, so far as the nature of the case will permit, all rules under this Order shall apply.

ORDER XXXI.

Suits by or against Trustees, Executors and Administrators.

Representation of beneficiaries in suits concerning property vested in trustees, etc.

1. In all suits concerning property vested in a trustee, executor or administrator, where the contention is between the persons beneficially interested in such property and a third person, the trustee, executor or administrator shall represent the persons so interested, and it shall not ordinarily be necessary to make them parties to the suit. But the Court may, if it thinks fit, order them or any of them to be made parties.

Joinder of trustees, executors and administrators.

2. Where there are several trustees, executors or administrators, they shall all be made parties to a suit against one or more of them:

Provided that the executors who have not proved their testator's will, and trustees, executors and administrators outside British India, need not be made parties.

Husband of married executrix not to join.

3. Unless the Court directs otherwise, the husband of a married trustee, administratrix or executrix shall not as such be a party to a suit by or against her.

ORDER XXXII.

Suits by or against Minors and Persons of Unsound Mind.

Minor to sue by next friend.

1. Every suit by a minor shall be instituted in his name by a person who in such suit shall be called the next friend of the minor.

Where suit is instituted without next friend, plaint to be taken off the file.

2. (1) Where a suit is instituted by or on behalf of a minor without a next friend, the defendant may apply to have the plaint taken off the file, with costs to be paid by the pleader or other person by whom it was presented.

(2) Notice of such application shall be given to such person, and the Court, after hearing his objections (if any), may make such order in the matter as it thinks fit.

Guardian for the suit to be appointed by Court for minor defendant.

3. (1) Where the defendant is a minor, the Court, on being satisfied of the fact of his minority, shall appoint a proper person to be guardian for the suit for such minor.

(2) An order for the appointment of a guardian for the suit may be obtained upon application in the name and on behalf of the minor or by the plaintiff.

(3) Such application shall be supported by an affidavit verifying the fact that the proposed guardian has no interest in the matters in controversy in the suit adverse to that of the minor and that he is a fit person to be so appointed.

(4) No order shall be made on any application under this rule except upon notice to the minor and to any guardian of the minor appointed or declared by an authority competent in that behalf, or, where there is no such guardian, upon notice to the father or other natural guardian of the minor, or, where there is no father or other natural guardian, to the person in whose care the minor is, and after hearing any objection which may be urged on behalf of any person served with notice under this sub-rule.

Who may act as next friend or be appointed guardian for the suit.

4. (1) Any person who is of sound mind and has attained majority may act as next friend of a minor or as his guardian for the suit:

Provided that the interest of such person is not adverse to that of the minor and that he is not, in the case of a next friend, a defendant, or, in the case of a guardian for the suit, a plaintiff.

(2) Where a minor has a guardian appointed or declared by competent authority, no person other than such guardian shall act as the next friend of the minor or be appointed his guardian for the suit unless the Court considers, for reasons to be recorded, that it is for the minor's welfare that another person be permitted to act or be appointed, as the case may be.

(3) No person shall without his consent be appointed guardian for the suit.

(4) Where there is no other person fit and willing to act as guardian for the suit, the Court may appoint any of its officers to be such guardian, and may direct that the costs to be incurred by such officer in the performance of his duties as such guardian shall be borne either by the parties or by any one or more of the parties to the suit, or out of any fund in Court in which the minor is interested, and may give directions for the repayment or allowance of such costs as justice and the circumstances of the case may require.

The Code of Civil Procedure, 1908.

(*The First Schedule.*)

(*Order XXXII.—Suits by or against Minors and Persons of Unsound Mind. Order XXXIII.—Suits by Paupers.*)

Representation of minor by next friend or guardian for the suit.

5. (*1*) Every application to the Court on behalf of a minor, other than an application under rule 10, sub-rule (2), shall be made by his next friend or by his guardian for the suit.

(2) Every order made in a suit or on any application, before the Court in or by which a minor is in any way concerned or affected, without such minor being represented by a next friend or guardian for the suit, as the case may be, may be discharged, and, where the pleader of the party at whose instance such order was obtained knew, or might reasonably have known, the fact of such minority, with costs to be paid by such pleader.

Receipt by next friend or guardian for the suit of property under decree for minor.

6. (*1*) A next friend or guardian for the suit shall not, without the leave of the Court, receive any money or other moveable property on behalf of a minor either—

(*a*) by way of compromise before decree or order, or

(*b*) under a decree or order in favour of the minor.

(2) Where the next friend or guardian for the suit has not been appointed or declared by competent authority to be guardian of the property of the minor, or, having been so appointed or declared, is under any disability known to the Court to receive the money or other moveable property, the Court shall, if it grants him leave to receive the property, require such security and give such directions as will, in its opinion, sufficiently protect the property from waste and ensure its proper application.

Agreement or compromise by next friend or guardian for the suit.

7. (*1*) No next friend or guardian for the suit shall, without the leave of the Court, expressly recorded in the proceedings, enter into any agreement or compromise on behalf of a minor with reference to the suit in which he acts as next friend or guardian.

(2) Any such agreement or compromise entered into without the leave of the Court so recorded shall be voidable against all parties other than the minor.

Retirement of next friend.

8. (*1*) Unless otherwise ordered by the Court, a next friend shall not retire without first procuring a fit person to be put in his place and giving security for the costs already incurred.

(2) The application for the appointment of a new next friend shall be supported by an affidavit showing the fitness of the person proposed, and also that he has no interest adverse to that of the minor.

Removal of next friend.

9. (*1*) Where the interest of the next friend of a minor is adverse to that of the minor or where he is so connected with a defendant whose interest is adverse to that of the minor as to make it unlikely that the minor's interest will be properly protected by him, or where he does not do his duty, or, during the pendency of the suit, ceases to reside within British India, or for any other sufficient cause, application may be made on behalf of the minor or by a defendant for his removal; and the Court, if satisfied of the sufficiency of the cause assigned, may order the next friend to be removed accordingly, and make such other order as to costs as it thinks fit.

(2) Where the next friend is not a guardian appointed or declared by an authority competent in this behalf, and an application is made by a guardian so appointed or declared, who desires to be himself appointed in the place of the next friend, the Court shall remove the next friend unless it considers, for reasons to be recorded by it, that the guardian ought not to be appointed the next friend of the minor, and shall thereupon appoint the applicant to be next friend in his place upon such terms as to the costs already incurred in the suit as it thinks fit.

Stay of proceedings on removal, etc., of next friend.

10. (*1*) On the retirement, removal or death of the next friend of a minor, further proceedings shall be stayed until the appointment of a next friend in his place.

(2) Where the pleader of such minor omits, within a reasonable time, to take steps to get a new next friend appointed, any person interested in the minor or in the matter in issue may apply to the Court for the appointment of one, and the Court may appoint such person as it thinks fit.

Retirement, removal or death of guardian for the suit.

11. (*1*) Where the guardian for the suit desires to retire or does not do his duty, or where other sufficient ground is made to appear, the Court may permit such guardian to retire or may remove him, and may make such order as to costs as it thinks fit.

(2) Where the guardian for the suit retires, dies or is removed by the Court during the pendency of the suit, the Court shall appoint a new guardian in his place.

Course to be followed by minor plaintiff or applicant on attaining majority.

12. (*1*) A minor plaintiff or a minor not a party to a suit on whose behalf an application is pending shall, on attaining majority, elect whether he will proceed with the suit or application.

(2) Where he elects to proceed with the suit or application, he shall apply for an order discharging the next friend and for leave to proceed in his own name.

(3) The title of the suit or application shall in such case be corrected so as to read thenceforth thus:—

"A. B., late a minor, by C. D., his next friend, but now having attained majority."

(4) Where he elects to abandon the suit or application, he shall, if a sole plaintiff or sole applicant, apply for an order to dismiss the suit or application on repayment of the costs incurred by the defendant or opposite party or which may have been paid by his next friend.

(5) Any application under this rule may be made *ex parte*: but no order discharging a next friend and permitting a minor plaintiff to proceed in his own name shall be made without notice to the next friend.

Where minor co-plaintiff attaining majority desires to repudiate suit.

13. (*1*) Where a minor co-plaintiff on attaining majority desires to repudiate the suit, he shall apply to have his name struck out as co-plaintiff; and the Court, if it finds that he is not a necessary party, shall dismiss him from the suit on such terms as to costs or otherwise as it thinks fit.

(2) Notice of the application shall be served on the next friend, on any co-plaintiff and on the defendant.

(3) The costs of all parties of such application, and of all or any proceedings theretofore had in the suit, shall be paid by such persons as the Court directs.

(4) Where the applicant is a necessary party to the suit, the Court may direct him to be made a defendant.

Unreasonable or improper suit.

14. (*1*) A minor on attaining majority may, if a sole plaintiff, apply that a suit instituted in his name by a next friend be dismissed on the ground that it was unreasonable or improper.

(2) Notice of the application shall be served on all the parties concerned; and the Court, upon being satisfied of such unreasonableness or impropriety, may grant the application and order the next friend to pay the costs of all parties in respect of the application and of anything done in the suit, or make such other order as it thinks fit.

Application of rules to persons of unsound mind.

15. The provisions contained in rules 1 to 14, so far as they are applicable, shall extend to persons adjudged to be of unsound mind and to persons who though not so adjudged are found by the Court on inquiry, by reason of unsoundness of mind or mental infirmity, to be incapable of protecting their interests when suing or being sued.

Saving for Princes and Chiefs.

16. Nothing in this Order shall apply to a Sovereign Prince or Ruling Chief suing or being sued in the name of his State, or being sued by direction of the Governor General in Council or a Local Government in the name of an agent or in any other name, or shall be construed to affect or in any way derogate from the provisions of any local law for the time being in force relating to suits by or against minors or by or against lunatics or other persons of unsound mind.

ORDER XXXIII.

Suits by Paupers.

Suits may be instituted *in formâ pauperis.*

1. Subject to the following provisions, any suit may be instituted by a pauper.

The Code of Civil Procedure, 1908.

(*The First Schedule.*)

(*Order XXXIII.—Suits by Paupers. Order XXXIV.—Suits relating to Mortgages of Immoveable Property.*)

Explanation.—A person is a "pauper" when he is not possessed of sufficient means to enable him to pay the fee prescribed by law for the plaint in such suit, or, where no such fee is prescribed, when he is not entitled to property worth one hundred rupees other than his necessary wearing-apparel and the subject-matter of the suit.

Contents of application.

2. Every application for permission to sue as a pauper shall contain the particulars required in regard to plaints in suits: a schedule of any moveable or immoveable property belonging to the applicant, with the estimated value thereof, shall be annexed thereto; and it shall be signed and verified in the manner prescribed for the signing and verification of pleadings.

Presentation of application.

3. Notwithstanding anything contained in these rules, the application shall be presented to the Court by the applicant in person, unless he s exempted from appearing in Court, in which case the application may be presented by an authorized agent who can answer all material questions relating to the application, and who may be examined in the same manner as the party represented by him might have been examined had such party attended in person.

Examination of applicant.

4. (*1*) Where the application is in proper form and duly presented, the Court may, if it thinks fit, examine the applicant, or his agent when the applicant is allowed to appear by agent, regarding the merits of the claim and the property of the applicant.

If presented by agent, Court may order applicant to be examined by commission.

(*2*) Where the application is presented by an agent, the Court may, if it thinks fit, order that the applicant be examined by a commission in the manner in which the examination of an absent witness may be taken.

Rejection of application.

5. The Court shall reject an application for permission to sue as a pauper—

(*a*) where it is not framed and presented in the manner prescribed by rules 2 and 3, or

(*b*) where the applicant is not a pauper, or

(*c*) where he has, within two months next before the presentation of the application, disposed of any property fraudulently or in order to be able to apply for permission to sue as a pauper, or

(*d*) where his allegations do not show a cause of action, or

(*e*) where he has entered into any agreement with reference to the subject-matter of the proposed suit under which any other person has obtained an interest in such subject-matter.

Notice of day for receiving evidence of applicant's pauperism.

6. Where the Court sees no reason to reject the application on any of the grounds stated in rule 5, it shall fix a day (of which at least ten days' clear notice shall be given to the opposite party and the Government pleader) for receiving such evidence as the applicant may adduce in proof of his pauperism, and for hearing any evidence which may be adduced in disproof thereof.

Procedure at hearing.

7. (*1*) On the day so fixed or as soon thereafter as may be convenient, the Court shall examine the witnesses (if any) produced by either party, and may examine the applicant or his agent, and shall make a memorandum of the substance of their evidence.

(*2*) The Court shall also hear any argument which the parties may desire to offer on the question whether, on the face of the application and of the evidence (if any) taken by the Court as herein provided, the applicant is or is not subject to any of the prohibitions specified in rule 5.

(*3*) The Court shall then either allow or refuse to allow the applicant to sue as a pauper.

Procedure if application admitted.

8. Where the application is granted, it shall be numbered and registered, and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted in the ordinary manner, except that the plaintiff shall not be liable to pay any court-fee (other than fees payable for service of process) in respect of any petition, appointment of a pleader or other proceeding connected with the suit.

Dispaupering.

9. The Court may, on the application of the defendant, or of the Government pleader, of which seven days' clear notice in writing has been given to the plaintiff, order the plaintiff to be dispaupered—

(*a*) if he is guilty of vexatious or improper conduct in the course of the suit;

(*b*) if it appears that his means are such that he ought not to continue to sue as a pauper; or

(*c*) if he has entered into any agreement with reference to the subject-matter of the suit, under which any other person has obtained an interest in such subject-matter.

Costs where pauper succeeds.

10. Where the plaintiff succeeds in the suit, the Court shall calculate the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper; such amount shall be recoverable by the Government from any party ordered by the decree to pay the same, and shall be a first charge on the subject-matter of the suit.

Procedure where pauper fails.

11. Where the plaintiff fails in the suit or is dispaupered, or where the suit is withdrawn or dismissed,—

(*a*) because the summons for the defendant to appear and answer has not been served upon him in consequence of the failure of the plaintiff to pay the court-fee or postal charges (if any) chargeable for such service, or

(*b*) because the plaintiff does not appear when the suit is called on for hearing,

the Court shall order the plaintiff, or any person added as a co-plaintiff to the suit, to pay the court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper.

Government may apply for payment of court-fees.

12. The Government shall have the right at any time to apply to the Court to make an order for the payment of court-fees under rule 10 or rule 11.

Government to be deemed a party.

13. All matters arising between the Government and any party to the suit under rule 10, rule 11 or rule 12 shall be deemed to be questions arising between the parties to the suit within the meaning of section 47.

Copy of decree to be sent to Collector.

14. Where an order is made under rule 10, rule 11 or rule 12, the Court shall forthwith cause a copy of the decree to be forwarded to the Collector.

Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.

15. An order refusing to allow the applicant to sue as a pauper shall be a bar to any subsequent application of the like nature by him in respect of the same right to sue; but the applicant shall be at liberty to institute a suit in the ordinary manner in respect of such right, provided that he first pays the costs (if any) incurred by the Government and by the opposite party in opposing his application for leave to sue as a pauper.

Costs.

16. The costs of an application for permission to sue as a pauper and of an inquiry into pauperism shall be costs in the suit.

ORDER XXXIV.

Suits relating to Mortgages of Immoveable Property.

Parties to suits for foreclosure, sale and redemption.

1. Subject to the provisions of this Code, all persons having an interest either in the mortgage-security or in the right of redemption shall be joined as parties to any suit relating to the mortgage.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XXXIV.—Suits relating to Mortgages of Immoveable Property.)

Explanation.—A puisne mortgagee may sue for foreclosure or for sale without making the prior mortgagee a party to the suit; and a prior mortgagee need not be joined in a suit to redeem a subsequent mortgage.

Preliminary decree in foreclosure-suit.

2. In a suit for foreclosure, if the plaintiff succeeds, the Court shall pass a decree—

(*a*) ordering that an account be taken of what will be due to the plaintiff for principal and interest on the mortgage, and for his costs of the suit (if any) awarded to him on the day next hereinafter referred to, or

(*b*) declaring the amount so due at the date of such decree,

and directing—

(*c*) that if the defendant pays into Court the amount so due on a day within six months from the date of declaring in Court the amount so due to be fixed by the Court, the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if so required, re-transfer the property to the defendant free from the mortgage and from all incumbrances created by the plaintiff or any person claiming under him, or, where the plaintiff claims by derived title, by those under whom he claims, and shall also, if necessary, put the defendant in possession of the property, but

(*d*) that, if such payment is not made on or before the day to be fixed by the Court, the defendant shall be debarred from all right to redeem the property.

Final decree in foreclosure-suit.

3. (*1*) Where, on or before the day fixed, the defendant pays into Court the amount declared due as aforesaid, together with such subsequent costs as are mentioned in rule 10, the Court shall pass a decree—

(*a*) ordering the plaintiff to deliver up the documents which under the terms of the preliminary decree he is bound to deliver up,

and, if so required,

(*b*) ordering him to retransfer the mortgaged property as directed in the said decree,

and, also, if necessary,

(*c*) ordering him to put the defendant in possession of the property.

(*2*) Where such payment is not so made, the Court shall, on application made in that behalf by the plaintiff, pass a decree that the defendant and all persons claiming through or under him be debarred from all right to redeem the mortgaged property and also, if necessary, ordering the defendant to put the plaintiff in possession of the property:

Power to enlarge time.

Provided that the Court may, upon good cause shown and upon such terms (if any) as it thinks fit, from time to time postpone the day fixed for such payment.

Discharge of debt.

(*3*) On the passing of a decree under sub-rule (*2*) the debt secured by the mortgage shall be deemed to be discharged.

Preliminary decree in suit for sale.

4. (*1*) In a suit for sale, if the plaintiff succeeds, the Court shall pass a decree to the effect mentioned in clauses (*a*), (*b*) and (*c*) of rule 2 and also directing that, in default of the defendant paying as therein mentioned, the mortgaged property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is declared due to the plaintiff as aforesaid, together with subsequent interest and subsequent costs, and that the balance (if any) be paid to the defendant or other persons entitled to receive the same.

Power to decree sale in foreclosure-suit.

(*2*) In a suit for foreclosure, if the plaintiff succeeds and the mortgage is not a mortgage by conditional sale, the Court may, at the instance of the plaintiff or of any person interested either in the mortgage-money or in the right of redemption, pass a like decree (in lieu of a decree for foreclosure) on such terms as it thinks fit including the deposit in Court of a reasonable sum, fixed by the Court, to meet the expenses of sale and to secure the performance of the terms.

Final decree in suit for sale.

5. (*1*) Where on or before the day fixed the defendant pays into Court the amount declared due as aforesaid, together with such subsequent costs as are mentioned in rule 10, the Court shall pass a decree—

(*a*) ordering the plaintiff to deliver up the documents which under the terms of the preliminary decree he is bound to deliver up,

and, if so required,

(*b*) ordering him to retransfer the mortgaged property as directed in the said decree,

and also, if necessary,

(*c*) ordering him to put the defendant in possession of the property.

(*2*) Where such payment is not so made, the Court shall, on application made in that behalf by the plaintiff, pass a decree that the mortgaged property, or a sufficient part thereof, be sold, and that the proceeds of the sale be dealt with as is mentioned in rule 4.

Recovery of balance due on mortgage.

6. Where the net proceeds of any such sale are found to be insufficient to pay the amount due to the plaintiff, if the balance is legally recoverable from the defendant otherwise than out of the property sold, the Court may pass a decree for such amount.

Preliminary decree in redemption-suit.

7. In a suit for redemption, if the plaintiff succeeds, the Court shall pass a decree—

(*a*) ordering that an account be taken of what will be due to the defendant for principal and interest on the mortgage, and for his costs of the suit (if any) awarded to him on the day next hereinafter referred to, or

(*b*) declaring the amount so due at the date of such decree,

and directing—

(*c*) that, if the plaintiff pays into Court the amount so due on a day within six months from the date of declaring in Court the amount so due, to be fixed by the Court, the defendant shall deliver up to the plaintiff, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if so required, re-transfer the property to the plaintiff free from the mortgage and from all incumbrances created by the defendant or any person claiming under him, or, where the defendant claims by derived title, by those under whom he claims, and shall, if necessary, put the plaintiff in possession of the property, but

(*d*) that, if such payment is not made on or before the day to be fixed by the Court, the plaintiff shall (unless the mortgage is simple or usufructuary) be debarred from all right to redeem or (unless the mortgage is by conditional sale) that the mortgaged property be sold.

Final decree in redemption-suit.

8. (*1*) Where, on or before the day fixed, the plaintiff pays into Court the amount declared due as aforesaid, together with such subsequent costs as mentioned in rule 10, the Court shall pass a decree—

(*a*) ordering the defendant to deliver up the documents which under the terms of the preliminary decree he is bound to deliver up,

and, if so required,

(*b*) ordering him to retransfer the mortgaged property as directed in the said decree,

and, also, if necessary,

(*c*) ordering him to put the plaintiff in possession of the property.

(*2*) Where such payment is not so made, and the mortgage is not simple or usufructuary, the Court shall, on application made in that behalf by the defendant, pass a decree that the plaintiff and all persons claiming through or under him be debarred from all right to redeem the mortgaged property and also, if necessary, ordering the plaintiff to put the defendant in possession of the property.

(*3*) On the passing of a decree under sub-rule (*2*) the debt secured by the mortgage shall be deemed to be discharged.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XXXIV.—Suits relating to Mortgages of Immoveable Property. Order XXXV. —Interpleader.)

(4) Where such payment is not so made, and the mortgage is not by conditional sale, the Court shall, on application made in that behalf by the defendant, pass a decree that the mortgaged property or a sufficient part thereof be sold and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is found due to the defendant, and that the balance (if any) be paid to the plaintiff or other persons entitled to receive the same:

Power to enlarge time.

Provided that the Court may, upon good cause shown and upon such terms (if any) as it thinks fit, from time to time postpone the day fixed for payment.

Decree where nothing is found due or where mortgagee has been overpaid.

9. Notwithstanding anything hereinbefore contained, if it appears, upon taking the account referred to in rule 7, that nothing is due to the defendant or that he has been overpaid, the Court shall pass a decree directing the defendant, if so required, to re-transfer the property and to pay to the plaintiff the amount which may be found due to him; and the plaintiff shall, if necessary, be put in possession of the mortgaged property.

Costs of mortgagee subsequent to decree.

10. In finally adjusting the amount to be paid to a mortgagee in case of a foreclosure or sale or redemption, the Court shall, unless the conduct of the mortgagee has been such as to disentitle him to costs, add to the mortgage-money such costs of suit as have been properly incurred by him since the decree for foreclosure or sale or redemption up to the time of actual payment.

Right of mesne mortgagee to redeem and foreclose.

11. Where property is mortgaged for successive debts to successive mortgagees, any mesne mortgagee may institute a suit to redeem the interests of the prior mortgagees and to foreclose the rights of those that are posterior to himself and of the mortgagor.

Sale of property subject to prior mortgage.

12. Where any property the sale of which is directed under this Order is subject to a prior mortgage, the Court may, with the consent of the prior mortgagee, direct that the property be sold free from the same, giving to such prior mortgagee the same interest in the proceeds of the sale as he had in the property sold.

Application of proceeds.

13. (1) Such proceeds shall be brought into Court and applied as follows:—

first, in payment of all expenses incident to the sale or properly incurred in any attempted sale;

secondly, in payment of whatever is due to the prior mortgagee on account of the prior mortgage, and of costs, properly incurred in connection therewith;

thirdly, in payment of all interest due on account of the mortgage in consequence whereof the sale was directed, and of the costs of the suit in which the decree directing the sale was made;

fourthly, in payment of the principal money due on account of that mortgage; and

lastly, the residue (if any) shall be paid to the person proving himself to be interested in the property sold, or if there are more such persons than one, then to such persons according to their respective interests therein or upon their joint receipt.

(2) Nothing in this rule or in rule 12 shall be deemed to affect the powers conferred by section 57 of the Transfer of Property Act, 1882. [IV] of 1882.

Suit for sale necessary for bringing mortgaged property to sale.

14. (1) Where a mortgagee has obtained a decree for the payment of money in satisfaction of a claim arising under the mortgage, he shall not be entitled to bring the mortgaged property to sale otherwise than by instituting a suit for sale in enforcement of the mortgage, and he may institute such suit notwithstanding anything contained in Order II, rule 2.

(2) Nothing in sub-rule (1) shall apply to any territories to which the Transfer of Property Act, 1882, has not been extended. [IV] of 1882.

Charges.

15. All the provisions contained in this Order as to the sale or redemption of mortgaged property shall, so far as may be, apply to property subject to a charge within the meaning of section 100 of the Transfer of Property Act, 1882. IV of 1882.

ORDER XXXV.

Interpleader.

Plaint in interpleader-suit.

1. In every suit of interpleader the plaint shall, in addition to the other statements necessary for plaints, state—

(a) that the plaintiff claims no interest in the subject-matter in dispute other than for charges or costs;

(b) the claims made by the defendants severally; and

(c) that there is no collusion between the plaintiff and any of the defendants.

Payment of thing claimed into Court.

2. Where the thing claimed is capable of being paid into Court or placed in the custody of the Court, the plaintiff may be required to so pay or place it before he can be entitled to any order in the suit.

Procedure where defendant is suing plaintiff.

3. Where any of the defendants in an interpleader-suit is actually suing the plaintiff in respect of the subject-matter of such suit, the Court in which the suit against the plaintiff is pending shall, on being informed by the Court in which the interpleader-suit has been instituted, stay the proceedings as against him; and his costs in the suit so stayed may be provided for in such suit; but if, and in so far as, they are not provided for in that suit, they may be added to his costs incurred in the interpleader-suit.

Procedure at first hearing.

4. (1) At the first hearing the Court may—

(a) declare that the plaintiff is discharged from all liability to the defendants in respect of the thing claimed, award him his costs, and dismiss him from the suit; or

(b) if it thinks that justice or convenience so require, retain all parties until the final disposal of the suit.

(2) Where the Court finds that the admissions of the parties or other evidence enable it to do so, it may adjudicate the title to the thing claimed.

(3) Where the admissions of the parties do not enable the Court so to adjudicate, it may direct—

(a) that an issue or issues between the parties be framed and tried, and

(b) that any claimant be made a plaintiff in lieu of or in addition to the original plaintiff,

and shall proceed to try the suit in the ordinary manner.

Agents and tenants may not institute interpleader-suits.

5. Nothing in this Order shall be deemed to enable agents to sue their principals, or tenants to sue their landlords, for the purpose of compelling them to interplead with any persons other than persons making claim through such principals or landlords.

Illustrations.

(a) A deposits a box of jewels with B as his agent. C alleges that the jewels were wrongfully obtained from him by A, and claims them from B. B cannot institute an interpleader-suit against A and C.

(b) A deposits a box of jewels with B as his agent. He then writes to C for the purpose of making the jewels a security for a debt due from himself to C. A afterwards alleges that C's debt is satisfied, and C alleges the contrary. Both claim the jewels from B. B may institute an interpleader-suit against A and C.

Charge for plaintiff's costs.

6. Where the suit is properly instituted the Court may provide for the costs of the original plaintiff by giving him a charge on the thing claimed or in some other effectual way.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XXXVI.—Special Case. Order XXXVII.—Summary Procedure on Negotiable Instruments. Order XXXVIII.—Arrest and Attachment before Judgment.)

ORDER XXXVI.

Special Case.

Power to state case for Court's opinion.

1. (*1*) Parties claiming to be interested in the decision of any question of fact or law may enter into an agreement in writing stating such question in the form of a case for the opinion of the Court, and providing that, upon the finding of the Court with respect to such question,—

(*a*) a sum of money fixed by the parties or to be determined by the Court shall be paid by one of the parties to the other of them; or

(*b*) some property, moveable or immoveable, specified in the agreement, shall be delivered by one of the parties to the other of them; or

(*c*) one or more of the parties shall do, or refrain from doing, some other particular act specified in the agreement.

(*2*) Every case stated under this rule shall be divided into consecutively numbered paragraphs, and shall concisely state such facts and specify such documents as may be necessary to enable the Court to decide the question raised thereby.

Where value of subject-matter must be stated.

2. Where the agreement is for the delivery of any property, or for the doing, or the refraining from doing, any particular act, the estimated value of the property to be delivered, or to which the act specified has reference, shall be stated in the agreement.

Agreement to be filed and registered as suit.

3. (*1*) The agreement, if framed in accordance with the rules hereinbefore contained, may be filed in the Court which would have jurisdiction to entertain a suit, the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement.

(*2*) The agreement, when so filed, shall be numbered and registered as a suit between one or more of the parties claiming to be interested as plaintiff or plaintiffs, and the other or the others of them as defendant or defendants; and notice shall be given to all the parties to the agreement, other than the party or parties by whom it was presented.

Parties to be subject to Court's jurisdiction.

4. Where the agreement has been filed, the parties to it shall be subject to the jurisdiction of the Court and shall be bound by the statements contained therein.

Hearing and disposal of case.

5. (*1*) The case shall be set down for hearing as a suit instituted in the ordinary manner, and the provisions of this Code shall apply to such suit so far as the same are applicable.

(*2*) Where the Court is satisfied, after examination of the parties, or after taking such evidence as it thinks fit,—

(*a*) that the agreement was duly executed by them,

(*b*) that they have a *boná fide* interest in the question stated therein, and

(*c*) that the same is fit to be decided,

it shall proceed to pronounce judgment thereon, in the same way as in an ordinary suit, and upon the judgment so pronounced a decree shall follow.

ORDER XXXVII.

Summary Procedure on Negotiable Instruments

Application of Order.

1. This Order shall apply only to—

(*a*) the High Courts of Judicature at Fort William, Madras and Bombay;

(*b*) the Chief Court of Lower Burma;

(*c*) the Court of the Judicial Commissioner of Sind; and

(*d*) any other Court to which sections 532 to 537 of the Code of Civil Procedure, 1882, have been already applied.

of 1882

Institution of summary suits upon bills of exchange, etc.

2. (*1*) All suits upon bills of exchange, hundis or promissory notes may, in case the plaintiff desires to proceed hereunder, be instituted by presenting a plaint in the form prescribed; but the summons shall be in Form No. 4 in Appendix B or in such other form as may be from time to time prescribed.

(*2*) In any case in which the plaint and summons are in such forms, respectively, the defendant shall not appear or defend the suit unless he obtains leave from a Judge as hereinafter provided so to appear and defend; and, in default of his obtaining such leave or of his appearance and defence in pursuance thereof, the allegations in the plaint shall be deemed to be admitted, and the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified (if any) to the date of the decree, and such sum for costs as may be prescribed, unless the plaintiff claims more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be executed forthwith.

Defendant showing defence on merits to have leave to appear.

3. (*1*) The Court shall, upon application by the defendant, give leave to appear and to defend the suit, upon affidavits which disclose such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application.

(*2*) Leave to defend may be given unconditionally or subject to such terms as to payment into Court, giving security, framing and recording issues or otherwise as the Court thinks fit.

Power to set aside decree.

4. After decree the Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to the defendant to appear to the summons and to defend the suit, if it seems reasonable to the Court so to do, and on such terms as the Court thinks fit.

Power to order bill, etc., to be deposited with officer of Court.

5. In any proceeding under this Order the Court may order the bill, hundi or note on which the suit is founded to be forthwith deposited with an officer of the Court, and may further order that all proceedings shall be stayed until the plaintiff gives security for the costs thereof.

Recovery of cost of noting non-acceptance of dishonoured bill or note.

6. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonour, as he has under this Order for the recovery of the amount of such bill or note.

Procedure in suits.

7. Save as provided by this Order, the procedure in suits hereunder shall be the same as the procedure in suits instituted in the ordinary manner.

ORDER XXXVIII.

Arrest and Attachment before Judgment.

Arrest before judgment.

Where defendant may be called upon to furnish security for appearance.

1. Where at any stage of a suit, other than a suit of the nature referred to in section 16, clauses (*a*) to (*d*), the Court is satisfied, by affidavit or otherwise,—

(*a*) that the defendant, with intent to delay the plaintiff, or to avoid any process of the

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XXXVIII.—Arrest and Attachment before Judgment.)

Court or to obstruct or delay the execution of any decree that may be passed against him,—

(*i*) has absconded or left the local limits of the jurisdiction of the Court, or

(*ii*) is about to abscond or leave the local limits of the jurisdiction of the Court, or

(*iii*) has disposed of or removed from the local limits of the jurisdiction of the Court his property or any part thereof, or

(*b*) that the defendant is about to leave British India under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant in the suit,

the Court may issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not furnish security for his appearance:

Provided that the defendant shall not be arrested if he pays to the officer entrusted with the execution of the warrant any sum specified in the warrant as sufficient to satisfy the plaintiff's claim; and such sum shall be held in deposit by the Court until the suit is disposed of or until the further order of the Court.

Security.

2. (*1*) Where the defendant fails to show such cause the Court shall order him either to deposit in Court money or other property sufficient to answer the claim against him, or to furnish security for his appearance at any time when called upon while the suit is pending and until satisfaction of any decree that may be passed against him in the suit, or make such order as it thinks fit in regard to the sum which may have been paid by the defendant under the proviso to the last preceding rule.

(*2*) Every surety for the appearance of a defendant shall bind himself, in default of such appearance, to pay any sum of money which the defendant may be ordered to pay in the suit.

Procedure on application by surety to be discharged.

3. (*1*) A surety for the appearance of a defendant may at any time apply to the Court in which he became such surety to be discharged from his obligation.

(*2*) On such application being made, the Court shall summon the defendant to appear or, if it thinks fit, may issue a warrant for his arrest in the first instance.

(*3*) On the appearance of the defendant in pursuance of the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security.

Procedure where defendant fails to furnish security or find fresh security.

4. Where the defendant fails to comply with any order under rule 2 or rule 3, the Court may commit him to the civil prison until the decision of the suit or, where a decree is passed against the defendant, until the decree has been satisfied:

Provided that no person shall be detained in prison under this rule in any case for a longer period than six months, nor for a longer period than six weeks when the amount or value of the subject-matter of the suit does not exceed fifty rupees:

Provided also that no person shall be detained in prison under this rule after he has complied with such order.

Attachment before Judgment.

Where defendant may be called upon to furnish security for production of property.

5. (*1*) Where, at any stage of a suit, the Court is satisfied, by affidavit or otherwise, that the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him,—

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Court,

the Court may direct the defendant, within a time to be fixed by it, either to furnish security, in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required the said property or the value of the same, or such portion thereof as may be sufficient to satisfy the decree, or to appear and show cause why he should not furnish security.

(*2*) The plaintiff shall, unless the Court otherwise directs, specify the property required to be attached and the estimated value thereof.

(*3*) The Court may also in the order direct the conditional attachment of the whole or any portion of the property so specified.

Attachment where cause not shown or security not furnished.

6. (*1*) Where the defendant fails to show cause why he should not furnish security, or fails to furnish the security required, within the time fixed by the Court, the Court may order that the property specified, or such portion thereof as appears sufficient to satisfy any decree which may be passed in the suit, be attached.

(*2*) Where the defendant shows such cause or furnishes the required security, and the property specified or any portion of it has been attached, the Court shall order the attachment to be withdrawn, or make such other order as it thinks fit.

Mode of making attachment.

7. Save as otherwise expressly provided, the attachment shall be made in the manner provided for the attachment of property in execution of a decree.

Investigation of claim to property attached before judgment.

8. Where any claim is preferred to property attached before judgment, such claim shall be investigated in the manner hereinbefore provided for the investigation of claims to property attached in execution of a decree for the payment of money.

Removal of attachment when security furnished or suit dismissed.

9. Where an order is made for attachment before judgment, the Court shall order the attachment to be withdrawn when the defendant furnishes the security required, together with security for the costs of the attachment, or when the suit is dismissed.

Attachment before judgment not to affect rights of strangers, nor bar decree-holder from applying for sale.

10. Attachment before judgment shall not affect the rights, existing prior to the attachment, of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree.

Property attached before judgment not to be re-attached in execution of decree.

11. Where property is under attachment by virtue of the provisions of this Order and a decree is subsequently passed in favour of the plaintiff, it shall not be necessary upon an application for execution of such decree to apply for a re-attachment of the property.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XXXVIII.—Arrest and Attachment before Judgment. Order XXXIX.—Temporary Injunctions and Interlocutory Orders. Order XL.—Appointment of Receivers.)

Agricultural produce not attachable before judgment.

12. Nothing in this Order shall be deemed to authorize the plaintiff to apply for the attachment of any agricultural produce in the possession of an agriculturist, or to empower the Court to order the attachment or production of such produce.

ORDER XXXIX.

Temporary Injunctions and Interlocutory Orders.

Temporary Injunctions.

Cases in which temporary injunction may be granted.

1. Where in any suit it is proved by affidavit or otherwise—

(*a*) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or

(*b*) that the defendant threatens, or intends, to remove or dispose of his property with a view to defraud his creditors,

the Court may by order grant a temporary injunction to restrain such act, or make such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property as the Court thinks fit, until the disposal of the suit or until further orders.

Injunction to restrain repetition or continuance of breach.

2. (*1*) In any suit for restraining the defendant from committing a breach of contract or other injury of any kind, whether compensation is claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit, and either before or after judgment, apply to the Court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained of, or any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right.

(*2*) The Court may by order grant such injunction, on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as the Court thinks fit.

(*3*) In case of disobedience, or of breach of any such terms, the Court granting an injunction may order the property of the person guilty of such disobedience or breach to be attached and may also order such person to be detained in the civil prison for a term not exceeding six months, unless in the meantime the Court directs his release.

(*4*) No attachment under this rule shall remain in force for more than one year, at the end of which time, if the disobedience or breach continues, the property attached may be sold, and out of the proceeds the Court may award such compensation as it thinks fit, and shall pay the balance, if any, to the party entitled thereto.

Before granting injunction Court to direct notice to opposite party.

3. The Court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party.

Order for injunction may be discharged, varied or set aside.

4. Any order for an injunction may be discharged, or varied, or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Injunction to corporation binding on its officers.

5. An injunction directed to a corporation is binding not only on the corporation itself, but also on all members and officers of the corporation whose personal action it seeks to restrain.

Interlocutory Orders.

Power to order interim sale.

6. The Court may, on the application of any party to a suit, order the sale, by any person named in such order, and in such manner and on such terms as it thinks fit, of any moveable property, being the subject-matter of such suit, or attached before judgment in such suit, which is subject to speedy and natural decay, or which for any other just and sufficient cause it may be desirable to have sold at once.

Detention, preservation, inspection, etc., of subject-matter of suit.

7. (*1*) The Court may, on the application of any party to a suit, and on such terms as it thinks fit,—

(*a*) make an order for the detention, preservation or inspection of any property which is the subject-matter of such suit, or as to which any question may arise therein ;

(*b*) for all or any of the purposes aforesaid authorize any person to enter upon or into any land or building in the possession of any other party to such suit ; and

(*c*) for all or any of the purposes aforesaid authorize any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

(*2*) The provisions as to execution of process shall apply, *mutatis mutandis*, to persons authorized to enter under this rule.

Application for such orders to be after notice.

8. (*1*) An application by the plaintiff for an order under rule 6 or rule 7 may be made after notice to the defendant at any time after institution of the suit.

(*2*) An application by the defendant for a like order may be made after notice to the plaintiff at any time after appearance.

When party may be put in immediate possession of land the subject-matter of suit.

9. Where land paying revenue to Government, or a tenure liable to sale, is the subject-matter of a suit, if the party in possession of such land or tenure neglects to pay the Government revenue, or the rent due to the proprietor of the tenure, as the case may be, and such land or tenure is consequently ordered to be sold, any other party to the suit claiming to have an interest in such land or tenure may, upon payment of the revenue or rent due previously to the sale (and with or without security at the discretion of the Court), be put in immediate possession of the land or tenure ;

and the Court in its decree may award against the defaulter the amount so paid, with interest thereon at such rate as the Court thinks fit, or may charge the amount so paid, with interest thereon at such rate as the Court orders, in any adjustment of accounts which may be directed in the decree passed in the suit.

Deposit of money, etc., in Court.

10. Where the subject-matter of a suit is money or some other thing capable of delivery and any party thereto admits that he holds such money or other thing as a trustee for another party, or that it belongs or is due to another party, the Court may order the same to be deposited in Court or delivered to such last-named party, with or without security, subject to the further direction of the Court.

ORDER XL.

Appointment of Receivers.

Appointment of receivers.

1. (*1*) Where it appears to the Court to be just and convenient, the Court may by order—

(*a*) appoint a receiver of any property, whether before or after decree ;

(*b*) remove any person from the possession or custody of the property ;

(*c*) commit the same to the possession, custody or management of the receiver ; and

(*d*) confer upon the receiver all such powers, as to bringing and defending suits and for

The Code of Civil Procedure 1908.

(The First Schedule.)

(Order XL.—Appointment of Receivers. Order XLI.—Appeals from Original Decrees.)

realisation, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents as the owner himself has, or such of those powers as the Court thinks fit.

(2) Nothing in this rule shall authorize the Court to remove from the possession or custody of property any person whom any party to the suit has not a present right so to remove.

Remuneration.

2. The Court may by general or special order fix the amount to be paid as remuneration for the services of the receiver.

Duties.

3. Every receiver so appointed shall—

(a) furnish such security (if any) as the Court thinks fit, duly to account for what he shall receive in respect of the property;

(b) submit his accounts at such periods and in such form as the Court directs;

(c) pay the amount due from him as the Court directs; and

(d) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

Enforcement of receiver's duties.

4. Where a receiver—

(a) fails to submit his accounts at such periods and in such form as the Court directs, or

(b) fails to pay the amount due from him as the Court directs, or

(c) occasions loss to the property by his wilful default or gross negligence,

the Court may direct his property to be attached and may sell such property, and may apply the proceeds to make good any amount found to be due from him or any loss occasioned by him, and shall pay the balance (if any) to the receiver.

When Collector may be appointed receiver.

5. Where the property is land paying revenue to the Government, or land of which the revenue has been assigned or redeemed, and the Court considers that the interests of those concerned will be promoted by the management of the Collector, the Court may, with the consent of the Collector, appoint him to be receiver of such property.

ORDER XLI.

Appeals from Original Decrees.

Form of appeal. What to accompany memorandum.

1. (1) Every appeal shall be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Court or to such officer as it appoints in this behalf. The memorandum shall be accompanied by a copy of the decree appealed from and (unless the Appellate Court dispenses therewith) of the judgment on which it is founded.

Contents of memorandum.

(2) The memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the decree appealed from without any argument or narrative; and such grounds shall be numbered consecutively.

Grounds which may be taken in appeal.

2. The appellant shall not, except by leave of the Court, urge or be heard in support of any ground of objection not set forth in the memorandum of appeal; but the Appellate Court, in deciding the appeal, shall not be confined to the grounds of objection set forth in the memorandum of appeal or taken by leave of the Court under this rule:

Provided that the Court shall not rest its decision on any other ground unless the party who may be affected thereby has had a sufficient opportunity of contesting the case on that ground.

Rejection or amendment of memorandum.

3. (1) Where the memorandum of appeal is not drawn up in the manner hereinbefore prescribed, it may be rejected, or be returned to the appellant for the purpose of being amended within a time to be fixed by the Court or be amended then and there.

(2) Where the Court rejects any memorandum, it shall record the reasons for such rejection.

(3) Where a memorandum of appeal is amended, the Judge, or such officer as he appoints in this behalf, shall sign or initial the amendment.

One of several plaintiffs or defendants may obtain reversal of whole decree where it proceeds on ground common to all.

4. Where there are more plaintiffs or more defendants than one in a suit, and the decree appealed from proceeds on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal from the whole decree, and thereupon the Appellate Court may reverse or vary the decree in favour of all the plaintiffs or defendants, as the case may be.

Stay of proceedings and of execution.

Stay by Appellate Court.

5. (1) An appeal shall not operate as a stay of proceedings under a decree or order appealed from except so far as the Appellate Court may order, nor shall execution of a decree be stayed by reason only of an appeal having been preferred from the decree; but the Appellate Court may for sufficient cause order stay of execution of such decree.

Stay by Court which passed the decree.

(2) Where an application is made for stay of execution of an appealable decree before the expiration of the time allowed for appealing therefrom, the Court which passed the decree may on sufficient cause being shown order the execution to be stayed.

(3) No order for stay of execution shall be made under sub-rule (1) or sub-rule (2) unless the Court making it is satisfied—

(a) that substantial loss may result to the party applying for stay of execution unless the order is made;

(b) that the application has been made without unreasonable delay; and

(c) that security has been given by the applicant for the due performance of such decree or order as may ultimately be binding upon him.

(4) Notwithstanding anything contained in sub-rule (3), the Court may make an *ex parte* order for stay of execution pending the hearing of the application.

Security in case of order for execution of decree appealed from.

6. (1) Where an order is made for the execution of a decree from which an appeal is pending, the Court which passed the decree shall, on sufficient cause being shown by the appellant, require security to be taken for the restitution of any property which may be or has been taken in execution of the decree or for the payment of the value of such property and for the due performance of the decree or order of the Appellate Court, or the Appellate Court may for like cause direct the Court which passed the decree to take such security.

(2) Where an order has been made for the sale of immoveable property in execution of a decree, and an appeal is pending from such decree, the sale shall, on the application of the judgment-debtor to the Court which made the order, be stayed on such terms as to giving security or otherwise as the Court thinks fit until the appeal is disposed of.

No security to be required from the Government or a public officer in certain cases.

7. No such security as is mentioned in rules 5 and 6 shall be required from the Secretary of State for India in Council or, where the Government has undertaken the defence of the suit, from any public officer sued in respect of an act alleged to be done by him in his official capacity.

Exercise of powers in appeal from order made in execution of decree.

8. The powers conferred by rules 5 and 6 shall be exercisable where an appeal may be or has been preferred not from the decree but from an order made in execution of such decree

The Code of Civil Procedure 1908.

(The First Schedule.)

(Order XLI.—Appeals from Original Decrees.)

Procedure on admission of appeal.

Registry of memorandum of appeal.

9. (1) Where a memorandum of appeal is admitted, the Appellate Court or the proper officer of that Court shall endorse thereon the date of presentation, and shall register the appeal in a book to be kept for the purpose.

Register of Appeals.

(2) Such book shall be called the Register of Appeals.

Appellate Court may require appellant to furnish security for costs.

10. (1) The Appellate Court may in its discretion, either before the respondent is called upon to appear and answer or afterwards on the application of the respondent, demand from the appellant security for the costs of the appeal, or of the original suit, or of both:

Where appellant resides out of British India.

Provided that the Court shall demand such security in all cases in which the appellant is residing out of British India, and is not possessed of any sufficient immoveable property within British India other than the property (if any) to which the appeal relates.

(2) Where such security is not furnished within such time as the Court orders, the Court shall reject the appeal.

Power to dismiss appeal without sending notice to Lower Court.

11. (1) The Appellate Court, after sending for the record if it thinks fit so to do, and after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day, may dismiss the appeal without sending notice to the Court from whose decree the appeal is preferred and without serving notice on the respondent or his pleader.

(2) If on the day fixed or any other day to which the hearing may be adjourned the appellant does not appear when the appeal is called on for hearing, the Court may make an order that the appeal be dismissed.

(3) The dismissal of an appeal under this rule shall be notified to the Court from whose decree the appeal is preferred.

Day for hearing appeal.

12. (1) Unless the Appellate Court dismisses the appeal under rule 11, it shall fix a day for hearing the appeal.

(2) Such day shall be fixed with reference to the current business of the Court, the place of residence of the respondent, and the time necessary for the service of the notice of appeal, so as to allow the respondent sufficient time to appear and answer the appeal on such day.

Appellate Court to give notice to Court whose decree appealed from.

13. (1) Where the appeal is not dismissed under rule 11, the Appellate Court shall send notice of the appeal to the Court from whose decree the appeal is preferred.

Transmission of papers to Appellate Court.

(2) Where the appeal is from the decree of a Court, the records of which are not deposited in the Appellate Court, the Court receiving such notice shall send with all practicable despatch all material papers in the suit, or such papers as may be specially called for by the Appellate Court.

Copies of exhibits in Court whose decree appealed from.

(3) Either party may apply in writing to the Court from whose decree the appeal is preferred, specifying any of the papers in such Court of which he requires copies to be made; and copies of such papers shall be made at the expense of, and given to, the applicant.

Publication and service of notice of day for hearing appeal.

14. (1) Notice of the day fixed under rule 12 shall be affixed in the Appellate Court-house, and a like notice shall be sent by the Appellate Court to the Court from whose decree the appeal is preferred, and shall be served on the respondent or on his pleader in the Appellate Court in the manner provided for the service on a defendant of a summons to appear and answer; and all the provisions applicable to such summons, and to proceedings with reference to the service thereof, shall apply to the service of such notice.

Appellate Court may itself cause notice to be served.

(2) Instead of sending the notice to the Court from whose decree the appeal is preferred, the Appellate Court may itself cause the notice to be served on the respondent or his pleader under the provisions above referred to.

Contents of notice.

15. The notice to the respondent shall declare that, if he does not appear in the Appellate Court on the day so fixed, the appeal will be heard *ex parte*.

Procedure on hearing.

Right to begin.

16. (1) On the day fixed, or on any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal.

(2) The Court shall then, if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such case the appellant shall be entitled to reply.

Dismissal of appeal for appellant's default.

17. (1) Where on the day fixed, or on any other day to which the hearing may be adjourned, the appellant does not appear when the appeal is called on for hearing, the Court may make an order that the appeal be dismissed.

Hearing appeal ex parte.

(2) Where the appellant appears and the respondent does not appear, the appeal shall be heard *ex parte*.

Dismissal of appeal where notice not served in consequence of appellant's failure to deposit costs.

18. Where on the day fixed, or on any other day to which the hearing may be adjourned, it is found that the notice to the respondent has not been served in consequence of the failure of the appellant to deposit, within the period fixed, the sum required to defray the cost of serving the notice, the Court may make an order that the appeal be dismissed:

Provided that no such order shall be made although the notice has not been served upon the respondent, if on any such day the respondent appears when the appeal is called on for hearing.

Re-admission of appeal dismissed for default.

19. Where an appeal is dismissed under rule 11, sub-rule (2), or rule 17 or rule 18, the appellant may apply to the Appellate Court for the re-admission of the appeal; and, where it is proved that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing or from depositing the sum so required, the Court shall re-admit the appeal on such terms as to costs or otherwise as it thinks fit.

Power to adjourn hearing and direct persons appearing interested to be made respondents.

20. Where it appears to the Court at the hearing that any person who was a party to the suit in the Court from whose decree the appeal is preferred, but who has not been made a party to the appeal, is interested in the result of the appeal, the Court may adjourn the hearing to a future day to be fixed by the Court and direct that such person be made a respondent.

Re-hearing on application of respondent against whom ex parte decree made.

21. Where an appeal is heard *ex parte* and judgment is pronounced against the respondent, he may apply to the Appellate Court to re-hear the appeal; and, if he satisfies the Court that the notice was not duly served or that he was prevented by sufficient cause from appearing when the appeal was called on for hearing, the Court shall re-hear the appeal on such terms as to costs or otherwise as it thinks fit to impose upon him.

Upon hearing, respondent may object to decree as if he had preferred separate appeal.

22. (1) Any respondent, though he may not have appealed from any part of the decree, may not only support the decree on any of the grounds decided against him in the Court below, but take

The Code of Civil Procedure 1908.

(*The First Schedule.*)

(*Order XLI.—Appeals from Original Decrees.*)

any cross-objection to the decree which he could have taken by way of appeal, provided he has filed such objection in the Appellate Court within one month from the date of service on him or his pleader of notice of the day fixed for hearing the appeal, or within such further time as the Appellate Court may see fit to allow.

Form of objection and provisions applicable thereto.

(2) Such cross-objection shall be in the form of a memorandum, and the provisions of rule 1, so far as they relate to the form and contents of the memorandum of appeal, shall apply thereto.

(3) Unless the respondent files with the objection a written acknowledgment from the party who may be affected by such objection or his pleader of having received a copy thereof, the Appellate Court shall cause a copy to be served, as soon as may be after the filing of the objection, on such party or his pleader at the expense of the respondent.

(4) Where, in any case in which any respondent has under this rule filed a memorandum of objection, the original appeal is withdrawn or is dismissed for default, the objection so filed may nevertheless be heard and determined after such notice to the other parties as the Court thinks fit.

(5) The provisions relating to pauper appeals shall, so far as they can be made applicable, apply to an objection under this rule.

Remand of case by Appellate Court.

23. Where the Court from whose decree an appeal is preferred has disposed of the suit upon a preliminary point and the decree is reversed in appeal, the Appellate Court may, if it thinks fit, by order remand the case, and may further direct what issue or issues shall be tried in the case so remanded, and shall send a copy of its judgment and order to the Court from whose decree the appeal is preferred, with directions to re-admit the suit under its original number in the register of civil suits, and proceed to determine the suit; and the evidence (if any) recorded during the original trial shall, subject to all just exceptions, be evidence during the trial after remand.

Where evidence on record sufficient, Appellate Court may determine case finally.

24. Where the evidence upon the record is sufficient to enable the Appellate Court to pronounce judgment, the Appellate Court may, after resettling the issues, if necessary, finally determine the suit, notwithstanding that the judgment of the Court from whose decree the appeal is preferred has proceeded wholly upon some ground other than that on which the Appellate Court proceeds.

Where Appellate Court may frame issues and refer them for trial to Court whose decree appealed from.

25. Where the Court from whose decree the appeal is preferred has omitted to frame or try any issue, or to determine any question of fact, which appears to the Appellate Court essential to the right decision of the suit upon the merits, the Appellate Court may, if necessary, frame issues, and refer the same for trial to the Court from whose decree the appeal is preferred, and in such case shall direct such Court to take the additional evidence required;

and such Court shall proceed to try such issues, and shall return the evidence to the Appellate Court together with its findings thereon and the reasons therefor.

Findings and evidence to be put on record. Objections to finding.

26. (1) Such evidence and findings shall form part of the record in the suit; and either party may, within a time to be fixed by the Appellate Court, present a memorandum of objections to any finding.

Determination of appeal.

(2) After the expiration of the period so fixed for presenting such memorandum the Appellate Court shall proceed to determine the appeal.

Production of additional evidence in Appellate Court.

27. (1) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court. But if—

(*a*) the Court from whose decree the appeal is preferred has refused to admit evidence which ought to have been admitted, or

(*b*) the Appellate Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment, or for any other substantial cause,

the Appellate Court may allow such evidence or document to be produced, or witness to be examined.

(2) Wherever additional evidence is allowed to be produced by an Appellate Court, the Court shall record the reason for its admission.

Mode of taking additional evidence.

28. Wherever additional evidence is allowed to be produced, the Appellate Court may either take such evidence, or direct the Court from whose decree the appeal is preferred, or any other subordinate Court, to take such evidence and to send it when taken to the Appellate Court.

Points to be defined and recorded.

29. Where additional evidence is directed or allowed to be taken, the Appellate Court shall specify the points to which the evidence is to be confined, and record on its proceedings the points so specified.

Judgment in appeal.

Judgment when and where pronounced.

30. The Appellate Court, after hearing the parties or their pleaders and referring to any part of the proceedings, whether on appeal or in the Court from whose decree the appeal is preferred, to which reference may be considered necessary, shall pronounce judgment in open Court, either at once or on some future day, of which notice shall be given to the parties or their pleaders.

Contents, date and signature of judgment.

31. The judgment of the Appellate Court shall be in writing and shall state—

(*a*) the points for determination;

(*b*) the decision thereon;

(*c*) the reasons for the decision; and

(*d*) where the decree appealed from is reversed or varied, the relief to which the appellant is entitled;

and shall at the time that it is pronounced be signed and dated by the Judge or by the Judges concurring therein.

What judgment may direct.

32. The judgment may be for confirming, varying or reversing the decree from which the appeal is preferred, or, if the parties to the appeal agree as to the form which the decree in appeal shall take, or as to the order to be made in appeal, the Appellate Court may pass a decree or make an order accordingly.

Power of Court of Appeal.

33. The Appellate Court shall have power to pass any decree and make any order which ought to have been passed or made and to pass or make such further or other decree or order as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree and may be exercised in favour of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal or objection.

Illustration.

A claims a sum of money as due to him from X or Y, and in a suit against both obtains a decree against X. X appeals and A and Y are respondents. The Appellate Court decides in favour of X. It has power to pass a decree against Y.

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XLI.—Appeals from Original Decrees. Order XLII.—Appeals from Appellate Decrees. Order XLIII.—Appeals from Orders. Order XLIV.—Pauper Appeals. Order XLV.—Appeals to the King in Council.)

Dissent to be recorded.

34. Where the appeal is heard by more Judges than one, any Judge dissenting from the judgment of the Court shall state in writing the decision or order which he thinks should be passed on the appeal, and he may state his reasons for the same.

Decree in appeal.

Date and contents of decree.

35. (1) The decree of the Appellate Court shall bear date the day on which the judgment was pronounced.

(2) The decree shall contain the number of the appeal, the names and descriptions of the appellant and respondent, and a clear specification of the relief granted or other adjudication made.

(3) The decree shall also state the amount of costs incurred in the appeal, and by whom, or out of what property, and in what proportions such costs and the costs in the suit are to be paid.

(4) The decree shall be signed and dated by the Judge or Judges who passed it:

Judge dissenting from judgment need not sign decree.

Provided that where there are more Judges than one and there is a difference of opinion among them, it shall not be necessary for any Judge dissenting from the judgment of the Court to sign the decree.

Copies of judgment and decree to be furnished to parties.

36. Certified copies of the judgment and decree in appeal shall be furnished to the parties on application to the Appellate Court and at their expense.

Certified copy of decree to be sent to Court whose decree appealed from.

37. A copy of the judgment and of the decree, certified by the Appellate Court or such officer as it appoints in this behalf, shall be sent to the Court which passed the decree appealed from and shall be filed with the original proceedings in the suit, and an entry of the judgment of the Appellate Court shall be made in the register of civil suits.

ORDER XLII.

Appeals from Appellate Decrees.

Procedure.

1. The rules of Order XLI shall apply, so far as may be, to appeals from appellate decrees.

ORDER XLIII.

Appeals from Orders.

Appeals from orders.

1. An appeal shall lie from the following orders under the provisions of section 104, namely:—

(a) an order under rule 10 of Order VII returning a plaint to be presented to the proper Court;

(b) an order under rule 10 of Order VIII pronouncing judgment against a party;

(c) an order under rule 9 of Order IX rejecting an application (in a case open to appeal) for an order to set aside the dismissal of a suit;

(d) an order under rule 13 of Order IX rejecting an application (in a case open to appeal) for an order to set aside a decree passed *ex parte*;

(e) an order under rule 4 of Order X pronouncing judgment against a party;

(f) an order under rule 21 of Order XI;

(g) an order under rule 10 of Order XVI for the attachment of property;

(h) an order under rule 20 of Order XVI pronouncing judgment against a party;

(i) an order under rule 34 of Order XXI on an objection to the draft of a document or of an endorsement;

(j) an order under rule 72 or rule 92 of Order XXI setting aside or refusing to set aside a sale;

(k) an order under rule 9 of Order XXII refusing to set aside the abatement or dismissal of a suit;

(l) an order under rule 10 of Order XXII giving or refusing to give leave;

(m) an order under rule 3 of Order XXIII recording or refusing to record an agreement, compromise or satisfaction;

(n) an order under rule 2 of Order XXV rejecting an application (in a case open to appeal) for an order to set aside the dismissal of a suit;

(o) an order under rule 3 or rule 8 of Order XXXIV refusing to extend the time for the payment of mortgage-money;

(p) orders in interpleader-suits under rule 3, rule 4 or rule 6 of Order XXXV;

(q) an order under rule 2, rule 3 or rule 6 of Order XXXVIII;

(r) an order under rule 1, rule 2, rule 4 or rule 10 of Order XXXIX;

(s) an order under rule 1 or rule 4 of Order XL;

(t) an order of refusal under rule 19 of Order XLI to re-admit, or under rule 21 of Order XLI to re-hear, an appeal;

(u) an order under rule 23 of Order XLI remanding a case, where an appeal would lie from the decree of the Appellate Court;

(v) an order made by any Court other than a High Court refusing the grant of a certificate under rule 6 of Order XLV;

(w) an order under rule 4 of Order XLVII granting an application for review.

Procedure.

2. The rules of Order XLI shall apply, so far as may be, to appeals from orders.

ORDER XLIV.

Pauper Appeals.

Who may appeal as pauper.

1. Any person entitled to prefer an appeal, who is unable to pay the fee required for the memorandum of appeal, may present an application accompanied by a memorandum of appeal, and may be allowed to appeal as a pauper, subject, in all matters including the presentation of such application, to the provisions relating to suits by paupers, in so far as those provisions are applicable:

Procedure on application for admission of appeal.

Provided that the Court shall reject the application unless, upon a perusal thereof and of the judgment and decree appealed from, it sees reason to think that the decree is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust.

Inquiry into pauperism.

2. The inquiry into the pauperism of the applicant may be made either by the Appellate Court or under the orders of the Appellate Court by the Court from whose decision the appeal is preferred:

Provided that, if the applicant was allowed to sue or appeal as a pauper in the Court from whose decree the appeal is preferred, no further inquiry in respect of his pauperism shall be necessary, unless the Appellate Court sees cause to direct such inquiry.

ORDER XLV.

Appeals to the King in Council.

"Decree" defined.

1. In this Order, unless there is something repugnant in the subject or context, the expression "decree" shall include a final order.

Application to Court whose decree complained of.

2. Whoever desires to appeal to His Majesty in Council shall apply by petition to the Court whose decree is complained of.

Certificate as to value or fitness.

3. (1) Every petition shall state the grounds of appeal and pray for a certificate either that, as regards amount or value and nature, the case fulfils the requirements of section 110, or that it is otherwise a fit one for appeal to His Majesty in Council.

(2) Upon receipt of such petition, the Court shall direct notice to be served on the opposite party to show cause why the said certificate should not be granted.

The Code of Civil Procedure, 1908.
(The First Schedule.)
(Order XLV.—Appeals to the King in Council.)

Consolidation of suits.

4. For the purposes of pecuniary valuation, suits involving substantially the same questions for determination and decided by the same judgment may be consolidated: but suits decided by separate judgments shall not be consolidated, notwithstanding that they involve substantially the same questions for determination.

Remission of dispute to Court of first instance.

5. In the event of any dispute arising between the parties as to the amount or value of the subject-matter of the suit in the Court of first instance, or as to the amount or value of the subject-matter in dispute on appeal to His Majesty in Council, the Court to which a petition for a certificate is made under rule 2 may, if it thinks fit, refer such dispute for report to the Court of first instance, which last-mentioned Court shall proceed to determine such amount or value and shall return its report together with the evidence to the Court by which the reference was made.

Effect of refusal of certificate.

6. Where such certificate is refused, the petition shall be dismissed.

Security and deposit required on grant of certificate.

7. (1) Where the certificate is granted, the applicant shall, within six months from the date of the decree complained of, or within six weeks from the date of the grant of the certificate, whichever is the later date,—

(a) furnish security for the costs of the respondent, and

(b) deposit the amount required to defray the expense of translating, transcribing, indexing and transmitting to His Majesty in Council a correct copy of the whole record of the suit, except—

(1) formal documents directed to be excluded by any order of His Majesty in Council in force for the time being;

(2) papers which the parties agree to exclude;

(3) accounts, or portions of accounts, which the officer empowered by the Court for that purpose considers unnecessary, and which the parties have not specifically asked to be included; and

(4) such other documents as the High Court may direct to be excluded.

(2) Where the applicant prefers to print in India the copy of the record, except as aforesaid, he shall also, within the time mentioned in sub-rule (1), deposit the amount required to defray the expense of printing such copy.

Admission of appeal and procedure thereon.

8. Where such security has been furnished and deposit made to the satisfaction of the Court, the Court shall—

(a) declare the appeal admitted,

(b) give notice thereof to the respondent,

(c) transmit to His Majesty in Council under the seal of the Court a correct copy of the said record, except as aforesaid, and

(d) give to either party one or more authenticated copies of any of the papers in the suit on his applying therefor and paying the reasonable expenses incurred in preparing them.

Revocation of acceptance of security.

9. At any time before the admission of the appeal, the Court may, upon cause shown, revoke the acceptance of any such security, and make further directions thereon.

Power to order further security or payment.

10. Where at any time after the admission of an appeal but before the transmission of the copy of the record, except as aforesaid, to His Majesty in Council, such security appears inadequate,

or further payment is required for the purpose of translating, transcribing, printing, indexing or transmitting the copy of the record, except as aforesaid,

the Court may order the appellant to furnish, within a time to be fixed by the Court, other and sufficient security, or to make, within like time, the required payment.

Effect of failure to comply with order.

11. Where the appellant fails to comply with such order, the proceedings shall be stayed,

and the appeal shall not proceed without an order in this behalf of His Majesty in Council,

and in the meantime execution of the decree appealed from shall not be stayed.

Refund of balance deposit.

12. When the copy of the record, except as aforesaid, has been transmitted to His Majesty in Council, the appellant may obtain a refund of the balance (if any) of the amount which he has deposited under rule 7.

Powers of Court pending appeal.

13. (1) Notwithstanding the grant of a certificate for the admission of any appeal, the decree appealed from shall be unconditionally executed, unless the Court otherwise directs.

(2) The Court may, if it thinks fit, on special cause shown by any party interested in the suit, or otherwise appearing to the Court,—

(a) impound any moveable property in dispute or any part thereof, or

(b) allow the decree appealed from to be executed, taking such security from the respondent as the Court thinks fit for the due performance of any order which His Majesty in Council may make on the appeal, or

(c) stay the execution of the decree appealed from, taking such security from the appellant as the Court thinks fit for the due performance of the decree appealed from, or of any order which His Majesty in Council may make on the appeal, or

(d) place any party seeking the assistance of the Court under such conditions or give such other direction respecting the subject-matter of the appeal, as it thinks fit, by the appointment of a receiver or otherwise.

Increase of security found inadequate.

14. (1) Where at any time during the pendency of the appeal the security furnished by either party appears inadequate, the Court may, on the application of the other party, require further security.

(2) In default of such further security being furnished as required by the Court,—

(a) if the original security was furnished by the appellant, the Court may, on the application of the respondent, execute the decree appealed from as if the appellant had furnished no such security;

(b) if the original security was furnished by the respondent, the Court shall, so far as may be practicable, stay the further execution of the decree, and restore the parties to the position in which they respectively were when the security which appears inadequate was furnished, or give such direction respecting the subject-matter of the appeal as it thinks fit.

Procedure to enforce orders of King in Council.

15. (1) Whoever desires to obtain execution of any order of His Majesty in Council shall apply by petition, accompanied by a certified copy of the decree passed or order made in appeal and sought to be executed, to the Court from which the appeal to His Majesty was preferred.

(2) Such Court shall transmit the order of His Majesty in Council to the Court which passed the first decree appealed from, or to such other Court as His Majesty in Council by such order may direct, and shall (upon the application of either party) give such directions as may be required for the execution of the same; and the Court to which the said order is so transmitted

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XLV.—Appeals to the King in Council. Order XLVI.—Reference. Order XLVI.—eview.)

shall execute it accordingly, in the manner and according to the provisions applicable to the execution of its original decrees.

(3) When any monies expressed to be payable in British currency are payable in India under such order, the amount so payable shall be estimated according to the rate of exchange for the time being fixed at the date of the making of the order by the Secretary of State for India in Council with the concurrence of the Lords Commissioners of His Majesty's Treasury for the adjustment of financial transactions between the Imperial and the Indian Governments.

Appeal from order relating to execution.

16. The orders made by the Court which executes the order of His Majesty in Council, relating to such execution, shall be appealable in the same manner and subject to the same rules as the orders of such Court relating to the execution of its own decrees.

ORDER XLVI.

Reference.

Reference of question to High Court.

1. Where, before or on the hearing of a suit or an appeal in which the decree is not subject to appeal, or where, in the execution of any such decree, any question of law or usage having the force of law arises, on which the Court trying the suit or appeal, or executing the decree, entertains reasonable doubt, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement with its own opinion on the point for the decision of the High Court.

Court may pass decree contingent upon decision of High Court.

2. The Court may either stay the proceedings or proceed in the case notwithstanding such reference, and may pass a decree or make an order contingent upon the decision of the High Court on the point referred;

but no decree or order shall be executed in any case in which such reference is made until the receipt of a copy of the judgment of the High Court upon the reference.

Judgment of High Court to be transmitted, and case disposed of accordingly.

3. The High Court, after hearing the parties if they appear and desire to be heard, shall decide the point so referred, and shall transmit a copy of its judgment, under the signature of the Registrar, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case in conformity with the decision of the High Court.

Costs of reference to High Court.

4. The costs (if any) consequent on a reference for the decision of the High Court shall be costs in the case.

Power to alter, etc., decree of Court making reference.

5. Where a case is referred to the High Court under rule 1, the High Court may return the case for amendment, and may alter, cancel or set aside any decree or order which the Court making the reference has passed or made in the case out of which the reference arose, and make such order as it thinks fit.

Power to refer to High Court questions as to jurisdiction in small causes.

6. (1) Where at any time before judgment a Court in which a suit has been instituted doubts whether the suit is cognizable by a Court of Small Causes or is not so cognizable, it may submit the record to the High Court with a statement of its reasons for the doubt as to the nature of the suit.

(2) On receiving the record and statement, the High Court may order the Court either to proceed with the suit or to return the plaint for presentation to such other Court as it may in its order declare to be competent to take cognizance of the suit.

Power to District Court to submit for revision proceedings had under mistake as to jurisdiction in small causes.

7. (1) Where it appears to a District Court that a Court subordinate thereto has, by reason of erroneously holding a suit to be cognizable by a Court of Small Causes or not to be so cognizable, failed to exercise a jurisdiction vested in it by law, or exercised a jurisdiction not so vested, the District Court may, and if required by a party shall, submit the record to the High Court with a statement of its reasons for considering the opinion of the subordinate Court with respect to the nature of the suit to be erroneous.

(2) On receiving the record and statement the High Court may make such order in the case as it thinks fit.

(3) With respect to any proceedings subsequent to decree in any case submitted to the High Court under this rule, the High Court may make such order as in the circumstance appears to it to be just and proper.

(4) A Court subordinate to a District Court shall comply with any requisition which the District Court may make for any record or information for the purposes of this rule.

ORDER XLVII.

Review.

Application for review of judgment.

1. (1) Any person considering himself aggrieved—

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes,

and who, from the discovery of new and important matte or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

To whom applications for review may be made.

2. An application for review of a decree or order of a Court, not being a High Court, upon some ground other than the discovery of such new and important matter or evidence as is referred to in rule 1 or the existence of a clerical or arithmetical mistake or error apparent on the face of the decree, shall be made only to the Judge who passed the decree or made the order sought to be reviewed; but any such application may, if the Judge who passed the decree or made the order has ordered notice to issue under rule 4, sub-rule (2), proviso (a), be disposed of by his successor.

Form of applications for review.

3. The provisions as to the form of preferring appeals shall apply, *mutatis mutandis*, to applications for review.

Application where rejected.

4. (1) Where it appears to the Court that there is not sufficient ground for a review, it shall reject the application.

Application where granted.

(2) Where the Court is of opinion that the application for review should be granted, it shall grant the same:

Provided that—

(a) no such application shall be granted without previous notice to the opposite party, to enable

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order XLVII.—Review. Order XLVIII.—Miscellaneous. Order XLIX.—Chartered High Courts. Order L.—Provincial Small Cause Courts.)

him to appear and be heard in support of the decree or order, a review of which is applied for: and

(*b*) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge, or could not be adduced by him when the decree or order was passed or made, without strict proof of such allegation.

Application for review in Court consisting of two or more Judges.

5. Where the Judge or Judges, or any one of the Judges, who passed the decree or made the order, a review of which is applied for, continues or continue attached to the Court at the time when the application for a review is presented, and is not or are not precluded by absence or other cause for a period of six months next after the application from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same.

Application where rejected.

6. (*1*) Where the application for a review is heard by more than one Judge and the Court is equally divided, the application shall be rejected.

(*2*) Where there is a majority, the decision shall be according to the opinion of the majority.

Order of rejection not appealable. Objections to order granting application.

7. (*1*) An order of the Court rejecting the application shall not be appealable; but an order granting an application may be objected to on the ground that the application was—

(*a*) in contravention of the provisions of rule 2,

(*b*) in contravention of the provisions of rule 4, or

(*c*) after the expiration of the period of limitation prescribed therefor and without sufficient cause.

Such objection may be taken at once by an appeal from the order granting the application or in any appeal from the final decree or order passed or made in the suit.

(*2*) Where the application has been rejected in consequence of the failure of the applicant to appear, he may apply for an order to have the rejected application restored to the file, and, where it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from appearing when such application was called on for hearing, the Court shall order it to be restored to the file upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for hearing the same.

(*3*) No order shall be made under sub-rule (*2*) unless notice of the application has been served on the opposite party.

Registry of application granted, and order for re-hearing.

8. When an application for review is granted, a note thereof shall be made in the register and the Court may at once re-hear the case or make such order in regard to the re-hearing as it thinks fit.

Bar of certain applications.

9. No application to review an order made on an application for a review or a decree or order passed or made on a review shall be entertained.

ORDER XLVIII.

Miscellaneous.

Process to be served at expense of party issuing.

1. (*1*) Every process issued under this Code shall be served at the expense of the party on whose behalf it is issued, unless the Court otherwise directs.

Costs of service.

(*2*) The court-fee chargeable for such service shall be paid within a time to be fixed before the process is issued.

Orders and notices how served.

2. All orders, notices and other documents required by this Code to be given to or served on any person shall be served in the manner provided for the service of summons.

Use of forms in appendices.

3. The forms given in the appendices, with such variation as the circumstances of each case may require, shall be used for the purposes therein mentioned.

ORDER XLIX.

Chartered High Courts.

Who may serve processes of High Court.

1. Notice to produce documents, summonses to witnesses, and every other judicial process, issued in the exercise of the original civil jurisdiction of the High Court, and of its matrimonial, testamentary and intestate jurisdictions, except summonses to defendants, writs of execution and notices to respondents may be served by the attorneys in the suits, or by persons employed by them, or by such other persons as the High Court, by any rule or order, directs.

Saving in respect of Chartered High Courts.

2. Nothing in this schedule shall be deemed to limit or otherwise affect any rules in force at the commencement of this Code for the taking of evidence or the recording of judgments and orders by a Chartered High Court.

Application of rules.

3. The following rules shall not apply to any Chartered High Court in the exercise of its ordinary or extraordinary original civil jurisdiction, namely:—

(1) rule 10 and rule 11, clauses (*b*) and (*c*), of Order VII;

(2) rule 3 of Order X;

(3) rule 2 of Order XVI;

(4) rules 5, 6, 8, 9, 10, 11, 13, 14, 15 and 16 (so far as relates to the manner of taking evidence) of Order XVIII;

(5) rules 1 to 8 of Order XX; and

(6) rule 7 of Order XXXIII (so far as relates to the making of a memorandum);

and rule 35 of Order XLI shall not apply to any such High Court in the exercise of its appellate jurisdiction.

ORDER L.

Provincial Small Cause Courts.

Provincial Small Cause Courts.

1. The provisions hereinafter specified shall not extend to Courts constituted under the Provincial Small Causes Courts Act, 1887, or to Courts exercising the jurisdiction of a Court of Small Causes under that Act, that is to say— IX of 1887.

(*a*) so much of this schedule as relates to—

(*i*) suits excepted from the cognizance of a Court of Small Causes or the execution of decrees in such suits;

(*ii*) the execution of decrees against immoveable property or the interest of a partner in partnership property;

(*iii*) the settlement of issues; and

The Code of Civil Procedure, 1908.

(The First Schedule.)

(Order LI.—Presidency Small Cause Courts.)

(*b*) the following rules and orders,—

- Order II, r. 1 (frame of suit);
- Order X, r. 3 (record of examination of parties);
- Order XV, except so much of rule 4 as provides for the pronouncement at once of judgment;
- Order XVIII, rules 5 to 12 (evidence);
- Orders XLI to XLV (appeals);
- Order XLVII, rules 2, 3, 5, 6, 7 (review);
- Order LI.

ORDER LI.

Presidency Small Cause Courts.

Presidency Small Cause Courts.

(1) Save as provided in rules 22 and 23 of Order V, rules 4 and 7 of Order XX[illegible] and rule 4 of Order XXVI, and by the Presidency Small Cause Courts Act, 1882, this schedule shall not extend to any suit or proceeding in any Court of Small Causes established in the towns of Calcutta, Madras and Bombay.

The Code of Civil Procedure 1898.
(The First Schedule.—Appendix A.—Pleadings.)

APPENDIX A.

PLEADINGS.

(1) TITLES OF SUITS.

IN THE COURT OF

A. B. (*add description and residence*) . . . . *Plaintiff,*

against

C. D. (*add description and residence*) . . . . *Defendant.*

---

(2) DESCRIPTION OF PARTIES IN PARTICULAR CASES.

The Secretary of State for India in Council

The Advocate General of

The Collector of

The State of

The A. B. Company, Limited, having its registered office at

A. B., a public officer of the C. D. Company.

A. B. (*add description and residence*), on behalf of himself and all other creditors of C. D., late of (*add description and residence*).

A. B. (*add description and residence*), on behalf of himself and all other holders of debentures issued by the Company, Limited.

The Official Receiver.

A. B., a minor (*add description and residence*), by C. D. [*or* by the Court of Wards], his next friend.

A. B. (*add description and residence*), a person of unsound mind [*or* of weak mind], by C. D., his next friend.

A. B., a firm carrying on business in partnership at

A. B. (*add description and residence*), by his constituted attorney C. D. (*add description and residence*)

A. B. (*add description and residence*), Shebait of Thakur

A. B. (*add description and residence*), executor of C. D., deceased.

A. B. (*add description and residence*), heir of C. D., deceased.

The Code of Civil Procedure 1898.

(The First Schedule.—Appendix A.—Pleadings.)

(3) PLAINTS.

No. 1.

MONEY LENT.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , he lent the defendant rupees repayable on the day of .

2. The defendant has not paid the same, except rupees paid on the day of 19 .

[*If the plaintiff claims exemption from any law of limitation, say :—*]

3. The plaintiff was a minor [*or* insane] from the day of till the day of

4. [*Facts showing when the cause of action arose and that the Court has jurisdiction.*]

5. The value of the subject-matter of the suit for the purpose of jurisdiction is rupees and for the purpose of court-fees is rupees.

6. The plaintiff claims rupees, with interest at per cent. from the day of 19 .

No. 2.

MONEY OVERPAID.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff agreed to buy and the defendant agreed to sell bars of silver at annas per tola of fine silver.

2. The plaintiff procured the said bars to be assayed by *E. F.*, who was paid by the defendant for such assay, and *E. F.* declared each of the bars to contain 1,500 tolas of fine silver, and the plaintiff accordingly paid the defendant rupees.

3. Each of the said bars contained only 1,200 tolas of fine silver, of which fact the plaintiff was ignoran when he made the payment.

4. The defendant has not repaid the sum so overpaid.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 3.

GOODS SOLD AT A FIXED PRICE AND DELIVERED.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , *E. F.* sold and delivered to the defendant [one hundred barrels of flour, *or* the goods mentioned in the schedule hereto annexed, *or* sundry goods].

2. The defendant promised to pay rupees for the said goods on delivery [*or* on the day of , *some day before the plaint was filed*].

3. He has not paid the same.

4. *E. F.* died on the day of 19 . By his last will he appointed his brother, the plaintiff, his executor.

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff as executor of *E. F. claims* [*Relief claimed*].

No. 4.

GOODS SOLD AT A REASONABLE PRICE AND DELIVERED.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , plaintiff sold and delivered to the defendant [sundry articles of house-furniture], but no express agreement was made as to the price.

2. The goods were reasonably worth rupees.

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

The Code of Civil Procedure 1898.

(*The First Schedule.—Appendix A.—Pleadings.*)

No. 5.

GOODS MADE AT DEFENDANT'S REQUEST, AND NOT ACCEPTED.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , *E. F.* agreed with the plaintiff that the plaintiff should make for him [*six tables and fifty chairs*], and that *E. F.* should pay for the goods on delivery rupees.

2. The plaintiff made the goods, and on the day of 19 offered to deliver them to *E. F.*, and has ever since been ready and willing so to do.

3. *E. F.* has not accepted the goods or paid for them.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 6.

DEFICIENCY UPON A RE-SALE [GOODS SOLD AT AUCTION].

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1 On the day of 19 , the plaintiff put up at auction sundry [*goods*], subject to the condition that all goods not paid for and removed by the purchaser within [*ten days*] after the sale should be re-sold by auction on his account, of which condition the defendant had notice.

2. The defendant purchased [*one crate of crockery*] at the auction at the price of rupees.

3. The plaintiff was ready and willing to deliver the goods to the defendant on the date of the sale and for [*ten days*] after.

4. The defendant did not take away the goods purchased by him, nor pay for them within [*ten days*] after the sale, nor afterwards.

5. On the day of 19 , the plaintiff re-sold the [*crate of crockery*], on account of the defendant, by public auction, for rupees.

6. The expenses attendant upon such re-sale amounted to rupees.

7. The defendant has not paid the deficiency thus arising, amounting to rupees.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 7.

SERVICES AT A REASONABLE RATE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. Between the day of 19 , and the day of 19 , at , plaintiff [executed sundry drawings, designs and diagrams] for the defendant, at his request; but no express agreement was made as to the sum to be paid for such services.

2. The services were reasonably worth rupees.

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 8.

SERVICES AND MATERIALS AT A REASONABLE COST.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , at , the plaintiff built a house [known as No. , in], and furnished the materials therefor, for the defendant, at his request, but no express agreement was made as to the amount to be paid for such work and materials.

2. The work done and materials supplied were reasonably worth rupees.

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 9.

USE AND OCCUPATION.

(*Title.*)

A. B., the above-named plaintiff, executor of the will of *X. Y.*, deceased, states as follows :—

1. That the defendant occupied the [house No. , Street], by permission of the said *X. Y.*, from the day of 19 , until the day of 19 , and no agreement was made as to payment for the use of the said premises.

The Code of Civil Procedure 1898.

(The First Schedule.—Appendix A.—Pleadings.)

2. That the use of the said premises for the said period was reasonably worth rupees.

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff as executor of *X. Y.* claims [*Relief claimed*].

No. 10.

ON AN AWARD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant, having a difference between them concerning [a demand of the plaintiff for the price of ten barrels of oil, which the defendant refused to pay], agreed in writing to submit the difference to the arbitration of *E. F.* and *G. H.*, and the original document is annexed hereto.

2. On the day of 19 , the arbitrators awarded that the defendant should [pay the plaintiff rupees].

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 11.

ON A FOREIGN JUDGMENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , at in the State [*or* Kingdom], of , the Court of that State [*or* Kingdom], in a suit therein pending between the plaintiff and the defendant, duly adjudged that the defendant should pay to the plaintiff rupees, with interest from the said date.

2. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 12.

AGAINST SURETY FOR PAYMENT OF RENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , *E. F.* hired from the plaintiff for the term of years, the [house No. , Street], at the annual rent of rupees, payable [monthly].

2. The defendant agreed, in consideration of the letting of the premises to *E. F.*, to guarantee the punctual payment of the rent.

3. The rent for the month of 19 , amounting to rupees, has not been paid.

[*If, by the terms of the agreement, notice is required to be given to the surety, add :—*]

4. On the day of 19 , the plaintiff gave notice to the defendant of the non-payment of the rent, and demanded payment thereof.

5. The defendant has not paid the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 13.

BREACH OF AGREEMENT TO PURCHASE LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant entered into an agreement, and the original document is hereto annexed.

[*Or*, On the day of 19 , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant and that the defendant should purchase from the plaintiff forty bighas of land in the village of for rupees].

2. On the day of 19 , the plaintiff, being then the absolute owner of the property [and the same being free from all incumbrances as was made

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

to appear to the defendant], tendered to the defendant a sufficient instrument of transfer of the same [*or*, was ready and willing, and is still ready and willing, and offered, to transfer the same to the defendant by a sufficient instrument] on the payment by the defendant of the sum agreed upon.

3. The defendant has not paid the money.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 14.

NOT DELIVERING GOODS SOLD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant mutually agreed that the defendant should deliver [one hundred barrels of flour] to the plaintiff on the day of 19], and that the plaintiff should pay therefor rupees on delivery.

2. On the [said] day the plaintiff was ready and willing, and offered, to pay the defendant the said sum upon delivery of the goods.

3. The defendant has not delivered the goods, and the plaintiff has been deprived of the profits which would have accrued to him from such delivery.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 15.

WRONGFUL DISMISSAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant mutually agreed that the plaintiff should serve the defendant as [an accountant, *or* in the capacity of foreman, *or as the case may be*], and that the defendant should employ the plaintiff as such for the term of [one year] and pay him for his services rupees (monthly).

2. On the day of 19 , the plaintiff entered upon the service of the defendant and has ever since been, and still is, ready and willing to continue in such service during the remainder of the said year whereof the defendant always has had notice.

3. On the day of 19 , the defendant wrongfully discharged the plaintiff, and refused to permit him to serve as aforesaid, or to pay him for his services.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 16.

BREACH OF CONTRACT TO SERVE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant mutually agreed that the plaintiff should employ the defendant at an [annual] salary of rupees, and that the defendant should serve the plaintiff as [an artist] for the term of [one year].

2. The plaintiff has always been ready and willing to perform his part of the agreement [and on the day of 19 , offered so to do].

3. The defendant [entered upon] the service of the plaintiff on the above-mentioned day, but afterwards, on the day of 19 , he refused to serve the plaintiff as aforesaid.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 17.

AGAINST A BUILDER FOR DEFECTIVE WORKMANSHIP.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant entered into an agreement, and the original document is hereto annexed. [*Or state the tenor of the contract.*]

[2. The plaintiff duly performed all the conditions of the agreement on his part.]

3. The defendant [built the house referred to in the agreement in a bad and unworkmanlike manner].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

No. 18.

ON A BOND FOR THE FIDELITY OF A CLERK.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff took *E. F.* into his employment as a clerk.

2. In consideration thereof on the day of 19 , the defendant agreed with the plaintiff that if *E. F.* should not faithfully perform his duties as a clerk to the plaintiff, or should fail to account to the plaintiff for all monies, evidences of debt or other property received by him for the use of the plaintiff, the defendant would pay to the plaintiff whatever loss he might sustain by reason thereof, not exceeding rupees.

[*Or*, 2. In consideration thereof, the defendant by his bond of the same date bound himself to pay the plaintiff the penal sum of rupees, subject to the condition that if *E. F.* should faithfully perform his duties as clerk and cashier to the plaintiff and should justly account to the plaintiff for all monies, evidences of debt or other property which should be at any time held by him in trust for the plaintiff, the bond should be void.]

[*Or*, 2. In consideration thereof, on the same date the defendant executed a bond in favour of the plaintiff, and the original document is hereto annexed.]

3. Between the day of 19 and the day of 19 *E. F.* received money and other property, amounting to the value of rupees, for the use of the plaintiff, for which sum he has not accounted to him, and the same still remains due and unpaid.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 19.

BY TENANT AGAINST LANDLORD, WITH SPECIAL DAMAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the defendant, by a registered instrument, let to the plaintiff [the house No. , Street] for the term of years, contracting with the plaintiff, that he, the plaintiff, and his legal representatives should quietly enjoy possession thereof for the said term.

2. All conditions were fulfilled and all things happened necessary to entitle the plaintiff to maintain his suit.

3. On the day of during the said term, *E. F.*, who was the lawful owner of the said house, lawfully evicted the plaintiff therefrom, and still withholds the possession thereof from him.

4. The plaintiff was thereby [prevented from continuing the business of a tailor at the said place, was compelled to expend rupees in moving, and lost the custom of *G. H.* and *I. J.* by such removal].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 20.

ON AN AGREEMENT OF INDEMNITY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff and defendant, being partners in trade under the style of *A. B.* and *C. D.*, dissolved the partnership, and mutually agreed that the defendant should take and keep all the partnership property, pay all debts of the firm and indemnify the plaintiff against all claims that might be made upon him on account of any indebtedness of the firm.

2. The plaintiff duly performed all the conditions of the agreement on his part.

3. On the day of 19 , [a judgment was recovered against the plaintiff and defendant by *E. F.*, in the High Court of Judicature at , upon a debt due from the firm to *E. F.*, and on the day of 19 ,] the plaintiff paid rupees [in satisfaction of the same].

4. The defendant has not paid the same to the plaintiff.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 21.

PROCURING PROPERTY BY FRAUD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the defendant, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he the defendant, was solvent, and worth rupees over all his liabilities.]

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

2. The plaintiff was thereby induced to sell [and deliver] to the defendant, [dry goods] of the value of rupees.

3. The said representations were false [*or, state the particular falsehoods*] and were then known by the defendant to be so.

4. The defendant has not paid for the goods. [*Or, if the goods were not delivered*]. The plaintiff, in preparing and shipping the goods and procuring their restoration, expended rupees.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 22.

FRAUDULENTLY PROCURING CREDIT TO BE GIVEN TO ANOTHER PERSON.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant represented to the plaintiff that *E F.* was solvent and in good credit, and worth rupees over all his liabilities [*or*, that *E. F.* then held a responsible situation and was in good circumstances, and might safely be trusted with goods on credit].

2. The plaintiff was thereby induced to sell to *E. F.* [rice] of the value of rupees [on months credit].

3. The said representations were false and were then known by the defendant to be so, and were made by him with intent to deceive and defraud the plaintiff [*or*, to deceive and injure the plaintiff].

4. *E. F.* [did not pay for the said goods at the expiration of the credit aforesaid, *or*] has not paid for the said rice, and the plaintiff has wholly lost the same.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 23.

POLLUTING THE WATER UNDER THE PLAINTIFF'S LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is, and at all the times hereinafter mentioned was, possessed of certain land called and situate in , and of a well therein, and of water in the well, and was entitled to the use and benefit of the well and of the water therein, and to have certain springs and streams of water which flowed and ran into the well to supply the same to flow or run without being fouled or polluted.

2. On the day of 19 , the defendant wrongfully fouled and polluted the well and the water therein and the springs and streams of water which flowed into the well.

3. In consequence the water in the well became impure and unfit for domestic and other necessary purposes, and the plaintiff and his family are deprived of the use and benefit of the well and water.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 24.

CARRYING ON A NOXIOUS MANUFACTURE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is, and at all the times hereinafter mentioned was, possessed of certain lands called , situate in .

2. Ever since the day of 19 , the defendant has wrongfully caused to issue from certain smelting works carried on by the defendant large quantities of offensive and unwholesome smoke and other vapours and noxious matter, which spread themselves over and upon the said lands, and corrupted the air, and settled on the surface of the lands.

3. Thereby the trees, hedges, herbage and crops of the plaintiff growing on the lands were damaged and deteriorated in value, and the cattle and live-stock of the plaintiff on the lands became unhealthy, and many of them were poisoned and died.

4. The plaintiff was unable to graze the lands with cattle and sheep as he otherwise might have done, and was obliged to remove his cattle, sheep and farming-stock therefrom, and has been prevented from having so beneficial and healthy a use and occupation of the lands as he otherwise would have had.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 25.

OBSTRUCTING A RIGHT OF WAY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is, and at the time hereinafter mentioned was, possessed of [a house in the village of].

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

2. He was entitled to a right of way from the [house] over a certain field to a public highway and back again from the highway over the field to the house, for himself and his servants [with vehicles, *or* on foot] at all times of the year.

3. On the day of 19 , defendant wrongfully obstructed the said way, so that the plaintiff could not pass [with vehicles, *or* on foot, *or* in any manner] along the way [and has ever since wrongfully obstructed the same].

4. (*State special damage if any.*)

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 26.

OBSTRUCTING A HIGHWAY.

(*Title.*)

1. The defendant wrongfully dug a trench and heaped up earth and stones in the public highway leading from to so as to obstruct it.

2. Thereby the plaintiff, while lawfully passing along the said highway, fell over the said earth and stones [*or* into the said trench] and broke his arm, and suffered great pain, and was prevented from attending to his business for a long time, and incurred expense for medical attendance.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 27.

DIVERTING A WATER-COURSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is, and at the time hereinafter mentioned was, possessed of a mill situated on a [stream] known as the , in the village of , district of .

2. By reason of such possession the plaintiff was entitled to the flow of the stream for working the mill.

3. On the day of 19 , the defendant, by cutting the bank of the stream, wrongfully diverted the water thereof, so that less water ran into the plaintiff's mill.

4. By reason thereof the plaintiff has been unable to grind more than sacks per day, whereas, before the said diversion of water, he was able to grind sacks per day.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 28.

OBSTRUCTING A RIGHT TO USE WATER FOR IRRIGATION.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. Plaintiff is, and was at the time hereinafter mentioned, possessed of certain lands situate, etc., and entitled to take and use a portion of the water of a certain stream for irrigating the said lands.

2. On the day of 19 , the defendant prevented the plaintiff from taking and using the said portion of the said water as aforesaid, by wrongfully obstructing and diverting the said stream.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 29.

INJURIES CAUSED BY NEGLIGENCE ON A RAILROAD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendants were common carriers of passengers by railway between and .

2. On that day the plaintiff was a passenger in one of the carriages of the defendants on the said railway.

3. While he was such passenger, at [*or* near the station of *or* between the stations of and], a collision occurred on the said railway, caused by the negligence and unskilfulness of the defendants' servants, whereby the plaintiff was much injured [having his leg broken, his head cut, etc., *and state the special damage, if any, as*], and incurred expense for medical attendance, and is permanently disabled from carrying on his former business as [a salesman].

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

[*Or thus* :—2. On that day the defendants by their servants so negligently and unskilfully drove and managed an engine and a train of carriages attached thereto upon and along the defendants' railway

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

which the plaintiff was then lawfully crossing, that the said engine and train were driven and struck against the plaintiff, whereby, etc., *as in para.* 3.],

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No. 30.

INJURIES CAUSED BY NEGLIGENT DRIVING.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is a shoemaker, carrying on business at . The defendant is a merchant of .

2. On the day of , 19 , the plaintiff was walking southward along Chowringhee, in the City of Calcutta, at about 3 o'clock in the afternoon. He was obliged to cross Middleton Street, which is a street running into Chowringhee at right angles. While he was crossing this street, and just before he could reach the foot-pavement on the further side thereof, a carriage of the defendant's, drawn by two horses under the charge and control of the defendant's servants, was negligently, suddenly and without any warning turned at a rapid and dangerous pace out of Middleton Street into Chowringhee. The pole of the carriage struck the plaintiff and knocked him down, and he was much trampled by the horses.

3. By the blow and fall and trampling the plaintiff's left arm was broken and he was bruised and injured on the side and back, as well as internally, and in consequence thereof the plaintiff was for four months ill and in suffering, and unable to attend to his business, and incurred heavy medical and other expenses, and sustained great loss of business and profits.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 31.

FOR MALICIOUS PROSECUTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant obtained a warrant of arrest from [a Magistrate of the said city, *or as the case may be*] on a charge of , and the plaintiff was arrested thereon, and imprisoned for [days, *or* hours, and gave bail in the sum of rupees to obtain his release].

2. In so doing the defendant acted maliciously and without reasonable or probable cause.

3. On the day of 19 , the Magistrate dismissed the complaint of the defendant and acquitted the plaintiff.

4. Many persons, whose names are unknown to the plaintiff, hearing of the arrest, and supposing the plaintiff to be a criminal, have ceased to do business with him ; *or*, in consequence of the said arrest, the plaintiff lost his situation as clerk to one *E. F.* ; *or* in consequence the plaintiff suffered pain of body and mind, and was prevented from transacting his business, and was injured in his credit, and incurred expense in obtaining his release from the said imprisonment and in defending himself against the said complaint.

[*As in paras. 4 and 5 of Form No. 1, and Relief claimed.*]

No. 32.

MOVEABLES WRONGFULLY DETAINED.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , plaintiff owned [*or state facts showing a right to the possession*] the goods mentioned in the schedule hereto annexed [*or describe the goods*], the estimated value of which is rupees.

2. From that day until the commencement of this suit the defendant has detained the same from the plaintiff.

3. Before the commencement of the suit, to wit on the day of 19 the plaintiff demanded the same from the defendant, but he refused to deliver them.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims—

(1) delivery of the said goods, or rupees, in case delivery cannot be had ;

(2) rupees compensation for the detention thereof.

The Schedule.

No. 33.

AGAINST A FRAUDULENT PURCHASER AND HIS TRANSFEREE WITH NOTICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant *C. D*, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he was solvent, and worth rupees over all his liabilities].

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

2. The plaintiff was hereby induced to sell and deliver to *C. D.*, [one hundred boxes of tea], the estimated value of which is rupees.

3. The said representations were false, and were then known by *C. D.* to be so, [*or*, at the time of making the said representations, *C. D.* was insolvent, and knew himself to be so].

4. *C. D.* afterwards transferred the said goods to the defendant *E. F.* without consideration [*or* who had notice of the falsity of the representation].

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff claims—

(1) delivery of the said goods, or rupees, in case delivery cannot be had;

(2) rupees compensation for the detention thereof.

No. 34.

RESCISSION OF A CONTRACT ON THE GROUND OF MISTAKE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the defendant represented to the plaintiff that a certain piece of ground belonging to the defendant, situated at , contained [ten bighas].

2. The plaintiff was thereby induced to purchase the same at the price of rupees in the belief that the said representation was true, and signed an agreement, of which the original is hereto annexed. But the land has not been transferred to him.

3. On the day of 19 the plaintiff paid the defendant rupees as part of the purchase-money.

4. That the said piece of ground contained in fact only [five bighas].

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff claims—

(1) rupees, with interest from the day of 19 ;

(2) that the said agreement be delivered up and cancelled.

No. 35.

AN INJUNCTION RESTRAINING WASTE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff is the absolute owner of [*describe the property*].

2. The defendant is in possession of the same under a lease from the plaintiff.

3. The defendant has [cut down a number of valuable trees, and threatens to cut down many more for the purpose of sale] without the consent of the plaintiff.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims that the defendant be restrained by injunction from committing or permitting any further waste on the said premises.

[*Pecuniary compensation may also be claimed.*]

No. 36.

INJUNCTION RESTRAINING NUISANCE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. Plaintiff is, and at all the times hereinafter mentioned was, the absolute owner of [the house No. , Street, Calcutta].

2. The defendant is, and at all the said times was, the absolute owner of [a plot of ground in the same street].

On the day of 19 , the defendant erected upon his said plot a slaughter-house, and still maintains the same; and from that day until the present time has continually caused cattle to be brought and killed there [and has caused the blood and offal to be thrown into the street opposite the said house of the plaintiff].

4. In consequence the plaintiff has been compelled to abandon the said house, and has been unable to rent the same].

[*As in paras. 4 and 5 of Form No. 1.*]

The plaintiff claims that the defendant be restrained by injunction from committing or permitting any further nuisance.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

No. 37.

PUBLIC NUISANCE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The defendant has wrongly heaped up earth and stones on a public road known as Street at so as to obstruct the passage of the public along the same and threatens and intends, unless restrained from so doing, to continue and repeat the said wrongful act.

2. The plaintiff have obtained the consent in writing of the Advocate General [*or* of the Collector or other officer appointed in this behalf] to the institution of this suit.

[*As in paras. 4 and 5 of Form No. 1.*]

The plaintiff claims—

(1) a declaration that the defendant is not entitled to obstruct the passage of the public along the said public road:

(2) an injunction restraining the defendant from obstructing the passage of the public along the said public road and directing the defendant to remove the earth and stones wrongfully heaped up as aforesaid.

No. 38.

INJUNCTION AGAINST THE DIVERSION OF A WATER-COURSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

[*As in Form No. 27.*]

The plaintiff claims that the defendant be restrained by injunction from diverting the water as aforesaid.

No. 39.

RESTORATION OF MOVEABLE PROPERTY THREATENED WITH DESTRUCTION, AND FOR AN INJUNCTION

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. Plaintiff is, and at all times hereinafter mentioned was, the owner of [a portrait of his grand-father which was executed by an eminent painter], and of which no duplicate exists [*or, state any facts showing that the property is of a kind that cannot be replaced by money*].

2. On the day of 19 , he deposited the same for safe keeping with the defendant.

3. On the day of 19 , he demanded the same from the defendant and offered to pay all reasonable charges for the storage of the same.

4. The defendant refuses to deliver the same to the plaintiff and threatens to conceal, dispose of, cut or injure the same if required to deliver it up.

5. No pecuniary compensation would be an adequate compensation to the plaintiff for the loss of the [painting].

[*As in paras. 4 and 5 of Form No. 1.*]

8. The plaintiff claims—

(1) that the defendant be restrained by injunction from disposing of, injuring or concealing the said painting];

(2) that he be compelled to deliver the same to the plaintiff.

No. 40.

INTERPLEADER.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. Before the date of the claims hereinafter mentioned *G. H.* deposited with the plaintiff [*describe the property*] for [safe-keeping].

2. The defendant *C. D.* claims the same [under an alleged assignment thereof to him from *G. H.*].

3. The defendant *E. F.* also claims the same [under an order of *G. H.* transferring the same to him].

4. The plaintiff is ignorant of the respective rights of the defendants.

5. He has no claim upon the said property other than for charges and costs, and is ready and willing to deliver it to such persons as the Court shall direct.

6. The suit is not brought by collusion with either of the defendants.

[*As in paras. 4 and 5 of Form No. 1.*]

9. The plaintiff claims—

(1) that the defendants be restrained, by injunction, from taking any proceedings against the plaintiff in relation thereto;

(2) that they be required to interplead together concerning their claims to the said property;

[(3) that some person be authorized to receive the said property pending such litigation:]

(4) that upon delivering the same to such [person] the plaintiff be discharged from all liability to either of the defendants in relation thereto.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

No. 41.

ADMINISTRATION BY CREDITOR ON BEHALF OF HIMSELF AND ALL OTHER CREDITORS.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. *E. F.*, late of , was at the time of his death, and his estate still is, indebted to the plaintiff in the sum of [*here insert nature of debt and security, if any*].

2. *E. F.* died on or about the day of . By his last will, dated the day of , he appointed *C. D.* his executor [*or* devised his estate in trust, etc., *or* died intestate, *as the case may be*].

3. The will was proved by *C. D.* [*or* letters of administration were granted, etc.].

4. The defendant has possessed himself of the moveable [and immoveable, *or* the proceeds of the immoveable] property of *E. F.*, and has not paid the plaintiff his debt.

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff claims that an account may be taken of the moveable [and immoveable] property of *E. F.*, deceased, and that the same may be administered under the decree of the Court.

No. 42.

ADMINISTRATION BY SPECIFIC LEGATEE.

(Title.)

[*Alter Form No. 41 thus*]—

[*Omit paragraph 1 and commence paragraph 2*] *E. F.*, late of , died on or about the day of . By his last will, dated the day of he appointed *C. D.* his executor, and bequeathed to the plaintiff [*here state the specific legacy*].

For paragraph 4 substitute—

The defendant is in possession of the moveable property of *E. F.*, and, amongst other things, of the said [*here name the subject of the specific bequest*].

For the commencement of paragraph 7 substitute—

The plaintiff claims that the defendant may be ordered to deliver to him the said [*here name the subject of the specific bequest*], or that, etc.

No. 43.

ADMINISTRATION BY PECUNIARY LEGATEE.

(Title.)

[*Alter Form No. 41 thus*]—

[*Omit paragraph 1 and substitute for paragraph 2*] *E. F.*, late of , died on or about the day of . By his last will, dated the day of he appointed *C. D.* his executor, and bequeathed to the plaintiff a legacy of rupees.

In paragraph 4 substitute "legacy" *for* "debt."

Another form.

(Title.)

E. F., the above-named plaintiff, states as follows :—

1. *A. B.* of *K.* in the died on the day of . By his last will, dated the day of , he appointed the defendant and *M. N.* [who died in the testator's lifetime] his executors, and bequeathed his property, whether moveable or immoveable, to his executors in trust, to pay the rents and income thereof to the plaintiff for his life; and after his decease, and in default of his having a son who should attain twenty-one, or a daughter who should attain that age or marry, upon trust as to his immoveable property for the person who would be the testator's heir-at-law, and as to his moveable property for the persons who would be the testator's next-of-kin if he had died intestate at the time of the death of the plaintiff, and such failure of his issue as aforesaid.

2. The will was proved by the defendant on the day of . The plaintiff has not been married.

3. The testator was at his death entitled to moveable and immoveable property; the defendant entered into the receipt of the rents of the immoveable property and got in the moveable property; he has sold some part of the immoveable property.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims—

(1) to have the moveable and immoveable property of *A. B.* administered in this Court, and for that purpose to have all proper directions given and accounts taken;

(2) such further or other relief as the nature of the case may require.

No. 44.

EXECUTION OF TRUSTS.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. He is one of the trustees under an instrument of settlement bearing date on or about the day of made upon the marriage of *E. F.* and *G. H.*, the father and mother of

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

the defendant [*or* an instrument of transfer of the estate and effects of *E. F.* for the benefit of *C. D.*, the defendant, and the other creditors of *E. F.*]

2. *A. B.* has taken upon himself the burden of the said trust, and is in possession of [*or* of the proceeds of] the moveable and immoveable property transferred by the said instrument.

3. *C. D.* claims to be entitled to a beneficial interest under the instrument.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff is desirous to account for all the rents and profits of the said immoveable property [and the proceeds of the sale of the said, *or* of part of the said, immoveable property, *or* moveable, *or* the proceeds of the sale of, *or* of part of, the said moveable property, *or* the profits accruing to the plaintiff as such trustee in the execution of the said trust]; and he prays that the Court will take the accounts of the said trust, and also that the whole of the said trust estate may be administered in the Court for the benefit of *C. D.*, the defendant, and all other persons who may be interested in such administration, in the presence of *C. D.*, and such other persons so interested as the Court may direct, or that *C. D.* may show good cause to the contrary.

[*N. B.—Where the suit is by a beneficiary, the plaint may be modelled, mutatis mutandis, on the plaint by a legatee.*]

No. 45.

FORECLOSURE OR SALE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff is mortgagee of lands belonging to the defendant.

2. The following are the particulars of the mortgage:—

(*a*) (date);

(*b*) (names of mortgagor and mortgagee);

(*c*) (sum secured);

(*d*) (rate of interest);

(*e*) (property subject to mortgage);

(*f*) (amount now due);

(*g*) (*if the plaintiff's title is derivative, state shortly the transfers or devolution under which he claims*).

(*If the plaintiff is mortgagee in possession, add*)

3. The plaintiff took possession of the mortgaged property on the day of and is ready to account as mortgagee in possession from that time.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims:—

(1) payment, or in default [sale *or*] foreclosure [and possession];

[*Where Order 34, rule 6, applies.*]

(2) in case the proceeds of the sale are found to be insufficient to pay the amount due to the plaintiff, then that liberty be reserved to the plaintiff to apply for a decree for the balance.

No. 46.

REDEMPTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff is mortgagor of lands of which the defendant is mortgagee.

2. The following are the particulars of the mortgage:—

(*a*) (date);

(*b*) (names of mortgagor and mortgagee);

(*c*) (sum secured);

(*d*) (rate of interest);

(*e*) (property subject to mortgage);

(*f*) (*if the plaintiff's title is derivative, state shortly the transfers or devolution under which he claims*).

(*If the defendant is mortgagee in possession, add*)

3. The defendant has taken possession [*or* has received the rents] of the mortgaged property.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims to redeem the said property and to have the same reconveyed to him [and to have possession thereof].

No. 47.

SPECIFIC PERFORMANCE (No. 1).

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. By an agreement dated the day of and signed by the defendant, he contracted to buy of [*or* sell to] the plaintiff certain immoveable property therein described and referred to, for the sum of rupees.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

2. The plaintiff has applied to the defendant specifically to perform the agreement on his part, but the defendant has not done so.

3. The plaintiff has been and still is ready and willing specifically to perform the agreement on his part of which the defendant has had notice.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims that the Court will order the defendant specifically to perform the agreement and to do all acts necessary to put the plaintiff in full possession of the said property [*or* to accept transfer and possession of the said property] and to pay the costs of the suit.

No. 48.

SPECIFIC PERFORMANCE (No. 2).

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant entered into an agreement, in writing, and the original document is hereto annexed.

The defendant was absolutely entitled to the immoveable property described in the agreement.

2. On the day of 19 , the plaintiff tendered rupees to the defendant, and demanded a transfer of the said property by a sufficient instrument.

3. On the day of 19 , the plaintiff again demanded such transfer [*or* the defendant refused to transfer the same to the plaintiff].

4. The defendant has not executed any instrument of transfer.

5. The plaintiff is still ready and willing to pay the purchase-money of the said property to the defendant.

[*As in paras. 4 and 5 of Form No. 1.*]

8. The plaintiff claims—

(1) that the defendant transfers the said property to the plaintiff by a sufficient instrument [*following the terms of the agreement*];

(2) rupees compensation for withholding the same.

No. 49.

PARTNERSHIP.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. He and *C. D.*, the defendant, have been for years [*or* months] past carrying on business together under articles of partnership in writing, [*or* under a deed, *or* under a verbal agreement].

2. Several disputes and differences have arisen between the plaintiff and defendant as such partners whereby it has become impossible to carry on the business in partnership with advantage to the partners. [*Or* the defendant has committed the following breaches of the partnership articles :—

(1)

(2)

(3)]

[*As in paras. 4 and 5 of Form No. 1.*]

5. The plaintiff claims—

(1) dissolution of the partnership ;

(2) that accounts be taken ;

(3) that a receiver be appointed.

(*N. B.—In suits for the winding-up of any partnership, omit the claim for dissolution ; and instead insert a paragraph stating the facts of the partnership having been dissolved.*)

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(4) WRITTEN STATEMENTS.

General defences.

Denial. The defendant denies that (*set out facts*).

The defendant does not admit that (*set out facts*).

The defendant admits that but says that

Protest. The defendant denies that he is a partner in the defendant firm of

The defendant denies that he made the contract alleged or any contract with the plaintiff.

The Code of Civil Procedure 1908.
(The First Schedule.—Appendix A.—Pleadings.)

The defendant denies that he contracted with the plaintiff as alleged or at all.

The defendant admits assets but not the plaintiff's claim.

The defendant denies that the plaintiff sold to him the goods mentioned in the plaint or any of them.

Limitation. The suit is barred by article or article of the second schedule to the Indian Limitation Act, 1877.

Jurisdiction. The Court has no jurisdiction to hear the suit on the ground that (*set forth the grounds*).

On the day of a diamond ring was delivered by the defendant to and accepted by the plaintiff in discharge of the alleged cause of action.

Insolvency. The defendant has been adjudged an insolvent.

The plaintiff before the institution of the suit was adjudged an insolvent and the right to sue vested in the receiver.

Minority. The defendant was a minor at the time of making the alleged contract.

Payment into Court. The defendant as to the whole claim (*or* as to Rs. part of the money claimed, *or as the case may be*) has paid into Court Rs. and says that this sum is enough to satisfy the plaintiff's claim (*or* the part aforesaid).

Performance remitted. The performance of the promise alleged was remitted on the (*date*).

Rescission. The contract was rescinded by agreement between the plaintiff and defendant.

Res judicata. The plaintiff's claim is barred by the decree in suit (*give the reference*).

Estoppel. The plaintiff is estopped from denying the truth of (*insert statement as to which estoppel is claimed*) because (*here state the facts relied on as creating the estoppel*).

Ground of defence subsequent to institution of suit. Since the institution of the suit, that is to say, on the day of (*set out facts*).

No. 1.

DEFENCE IN SUITS FOR GOODS SOLD AND DELIVERED.

1. The defendant did not order the goods.
2. The goods were not delivered to the defendant.
3. The price was not Rs.

[*or*]

4. }
5. } Except as to Rs. , same as { 1. 2. 3.
6. }

7. The defendant [or A. B., the defendant's agent] satisfied the claim by payment before suit to the plaintiff [*or* to C. D., the plaintiff's agent] on the day of 19 .

8. The defendant satisfied the claim by payment after suit to the plaintiff on the day of 19 .

No. 2.

DEFENCE IN SUITS ON BONDS.

1. The bond is not the defendant's bond.
2. The defendant made payment to the plaintiff on the day according to the condition of the bond.
3. The defendant made payment to the plaintiff after the day named and before suit of the principal and interest mentioned in the bond.

No. 3.

DEFENCE IN SUITS ON GUARANTEES.

1. The principal satisfied the claim by payment before suit.
2. The defendant was released by the plaintiff giving time to the principal debtor in pursuance of a binding agreement.

No. 4.

DEFENCE IN ANY SUIT FOR DEBT.

1. As to Rs. 200 of the money claimed, the defendant is entitled to set off for goods sold and delivered by the defendant to the plaintiff.

Particulars are as follows :—

		Rs.
1907,	January 25th	150
„	February 1st	50
	Total	200

The Code of Civil Procedure 1908.

(*The First Schedule.—Appendix A.—Pleadings.*)

2. As to the whole [*or* as to Rs. , part of the money claimed] the defendant made tender before suit of Rs. , and has paid the same into Court.

No. 5.

DEFENCE IN SUITS FOR INJURIES CAUSED BY NEGLIGENT DRIVING.

1. The defendant denies that the carriage mentioned in the plaint was the defendant's carriage, and that it was under the charge or control of the defendant's servants. The carriage belonged to of Street, Calcutta, livery stable keepers employed by the defendant to supply him with carriages and horses; and the person under whose charge and control the said carriage was, was the servant of the said .

2. The defendant does not admit that the said carriage was turned out of Middleton Street, either negligently, suddenly or without warning, or at a rapid or dangerous pace.

3. The defendant says the plaintiff might and could, by the exercise of reasonable care and diligence, have seen the said carriage approaching him, and avoided any collision with it.

4. The defendant does not admit the statements contained in the third paragraph of the plaint.

No. 6.

DEFENCE IN ALL SUITS FOR WRONGS.

1. Denial of the several acts [*or* matters] complained of.

No. 7.

DEFENCE IN SUITS FOR DETENTION OF GOODS.

1. The goods were not the property of the plaintiff.

2. The goods were detained for a lien to which the defendant was entitled.

Particulars are as follows :—

1907, May 3rd. To carriage of the goods claimed from Delhi to Calcutta :—
45 maunds at Rs. 2 per maund . . . . Rs.

No. 8.

DEFENCE IN SUITS FOR INFRINGEMENT OF COPYRIGHT.

1. The plaintiff is not the author [*assignee, etc.*].
2. The book was not registered.
3. The defendant did not infringe.

No. 9.

DEFENCE IN SUITS FOR INFRINGEMENT OF TRADE MARK.

1. The trade mark is not the plaintiff's.
2. The alleged trade mark is not a trade mark.
3. The defendant did not infringe.

No. 10.

DEFENCES IN SUITS RELATING TO NUISANCES.

1. The plaintiff's lights are not ancient [*or* deny his other alleged prescriptive rights].
2. The plaintiff's lights will not be materially interfered with by the defendant's buildings.
3. The defendant denies that he or his servants pollute the water [*or* do what is complained of].

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

[*If the defendant claims the right by prescription or otherwise to do what is complained of, he must say so, and must state the grounds of the claim,* i.e., *whether by prescription, grant or what.*]

4. The plaintiff has been guilty of laches of which the following are particulars :—

1870. Plaintiff's mill began to work.

1871. Plaintiff came into possession.

1883. First complaint.

5. As to the plaintiff's claim for damages the defendant will rely on the above grounds of defence, and says that the acts complained of have not produced any damage to the plaintiff. [*If other grounds are relied on, they must be stated,* e.g., *limitation as to past damage.*]

No. 11.

DEFENCE TO SUIT FOR FORECLOSURE.

1. The defendant did not execute the mortgage.

2. The mortgage was not transferred to the plaintiff (*if more than one transfer is alleged, say which is denied*).

3. The suit is barred by article of the second schedule to the Indian Limitation Act, 1877.

4. The following payments have been made, *viz.*:—

		Rs.
(*Insert date.*)	———————, ...	1,000
(*Insert date.*)	———————, ...	500

5. The plaintiff took possession on the of , and has received the rents ever since.

6. That plaintiff released the debt on the of .

7. The defendant transferred all his interest to A. B. by a document, dated

---

No. 12.

DEFENCE TO SUIT FOR REDEMPTION.

1. The plaintiff's right to redeem is barred by article of the second schedule to the Indian Limitation Act, 1877.

2. The plaintiff transferred all interest in the property to A. B.

3. The defendant, by a document dated the day of transferred all his interest in the mortgage-debt and property comprised in the mortgage to A. B.

4. The defendant never took possession of the mortgaged property, or received the rents thereof.

(*If the defendant admits possession for a time only, he should state the time, and deny possession beyond what he admits.*)

No. 13.

DEFENCE TO SUIT FOR SPECIFIC PERFORMANCE.

1. The defendant did not enter into the agreement.

2. A. B. was not the agent of the defendant (*if alleged by plaintiff*).

3. The plaintiff has not performed the following conditions—(*Conditions*).

4. The defendant did not—(*alleged acts of part performance*).

5. The plaintiff's title to the property agreed to be sold is not such as the defendant is bound to accept by reasons of the following matter—(*State why*).

6. The agreement is uncertain in the following respects—(*State them*).

7. (*or*) The plaintiff has been guilty of delay;

8. (*or*) The plaintiff has been guilty of fraud (*or* misrepresentation).

9. (*or*) The agreement is unfair;

10. (*or*) The agreement was entered into by mistake.

11. The following are particulars of (7), (8), (9) (10) (*or as the case may be*).

12. The agreement was rescinded under Conditions of Sale, No. 11 (*or* by mutual agreement).

(*In cases where damages are claimed and the defendant disputes his liability to damages, he must deny the agreement or the alleged breaches, or show whatever other ground of defence he intends to rely on,* e.g., *the Indian Limitation Act, accord and satisfaction, release, fraud, etc.*)

No. 14.

DEFENCE IN ADMINISTRATION SUIT BY PECUNIARY LEGATEE.

1. A. B.'s will contained a charge of debts; he died insolvent; he was entitled at his death to some immoveable property which the defendant sold and which produced the net sum of Rs. , and the testator had some moveable property which the defendant got in, and which produced the net sum of Rs.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix A.—Pleadings.)

2. The defendant applied the whole of the said sums and the sum of Rs. which the defendant received from rents of the immoveable property in the payment of the funeral and testamentary expenses and some of the debts of the testator.

3. The defendant made up his accounts and sent a copy thereof to the plaintiff on the day of 19 , and offered the plaintiff free access to the vouchers to verify such accounts, but he declined to avail himself of the defendant's offer.

4. The defendant submits that the plaintiff ought to pay the costs of this suit.

No. 15.

PROBATE OF WILL IN SOLEMN FORM.

1. The said will and codicil of the deceased were not duly executed according to the provisions of the Indian Succession Act, 1865 [*or* of the Hindu Wills Act, 1870].

2. The deceased at the time the said will and codicil respectively purport to have been executed, was not of sound mind, memory and understanding.

3. The execution of the said will and codicil was obtained by the undue influence of the plaintiff [and others acting with him whose names are at present unknown to the defendant].

4. The execution of the said will and codicil was obtained by the fraud of the plaintiff, such fraud, so far as is within the defendant's present knowledge, being [*state the nature of the fraud*].

5. The deceased at the time of the execution of the said will and codicil did not know and approve of the contents thereof, [*or* of the contents of the residuary clause in the said will, *as the case may be*].

6. The deceased made his true last will, dated the 1st January, 1873, and thereby appointed the defendant sole executor thereof.

The defendant claims :—

(1) that the Court will pronounce against the said will and codicil propounded by the plaintiff :

(2) that the Court will decree probate of the will of the deceased, dated the 1st January, 1873, in solemn form of law.

No. 16.

PARTICULARS. (O. 6, r. 5.)

(Title of suit.)

Particulars.

The following are the particulars of (*here state the matters in respect of which particulars have been ordered*) delivered pursuant to the order of the of

(*Here set out the particulars ordered in paragraphs if necessary.*)

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix B.—Process.)

APPENDIX B.

PROCESS.

No. 1.

SUMMONS FOR DISPOSAL OF SUIT. (O. 5, rr. 1, 5.)

(Title.)

To

[Name, description and place of residence.]

WHEREAS
has instituted a suit against you for
you are hereby summoned to appear in this Court in person or by a pleader duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some person able to answer all such questions, on the day of
19 , at o'clock in the noon, to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this
day of 19 .

Judge.

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property, or both.

No. 2.

SUMMONS FOR SETTLEMENT OF ISSUES. (O. 5, rr. 1, 5.)

(Title.)

To

[Name, description and place of residence.]

WHEREAS
has instituted a suit against you for
you are hereby summoned to appear in this Court in person, or by a pleader duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some person able to answer all such questions, on the day of
19 , at o'clock in the noon, to answer the claim; and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this
day of 19 .

Judge.

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court togetner with the costs of th suit, to avoid execution of the decree, which may be against your person or property, or both.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix B.—Process.)

No. 3.

SUMMONS TO APPEAR IN PERSON. (O. 5, r. 3.)

(Title.)

To

[Name, description and place of residence.]

WHEREAS
has instituted a suit against you for
you are hereby summoned to appear in this Court in person on the day of
19 , at o'clock in the noon, to answer the claim; and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this
day of 19 .

Judge.

No. 4.

SUMMONS IN SUMMARY SUIT ON NEGOTIABLE INSTRUMENT. (O. 37, r. 2.)

(Title.)

To

[Name, description and place of residence.]

WHEREAS has instituted a suit against you under Order XXXVII of the Code of Civil Procedure, 1908, for Rs. , balance of principal and interest due to him as the of a of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within ten days from the service hereof to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such ten days to obtain a decree for any sum not exceeding the sum of Rs. and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

GIVEN under my hand and the seal of the Court, this
day of 19 .

Judge.

No. 5.

NOTICE TO PERSON WHO, THE COURT CONSIDERS, SHOULD BE ADDED AS CO-PLAINTIFF. (O. 1, r. 10.)

(Title.)

To

[Name, description and place of residence.]

WHEREAS has instituted the above suit against for
and whereas it appears necessary that you should be added as a plaintiff in the said suit in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved:

Take notice that you should on or before day o 19
signify to this Court whether you consent to be so added

GIVEN under my hand and the seal of the Court, this
day of 19 .

Jdge.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix B.—Process.)

No. 6.

SUMMONS TO LEGAL REPRESENTATIVE OF A DECEASED DEFENDANT. (O. 22, r. 4.)

(Title.)

To

WHEREAS the plaintiff instituted a suit in this Court on the day of 19 against the defendant who has since deceased, and whereas the said plaintiff has made an application to this Court alleging that you are the legal representative of the said deceased, and desiring that you be made the defendant in his stead:

You are hereby summoned to attend in this Court on the day of 19 at A.M. to defend the said suit, and, in default of your appearance on the day specified, the said suit will be heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 7.

ORDER FOR TRANSMISSION OF SUMMONS FOR SERVICE IN THE JURISDICTION OF ANOTHER COURT. (O. 5, r. 21.)

(Title.)

WHEREAS it is stated that $\frac{\text{defendant}}{\text{witness}}$ in the above suit is at present residing in : It is ordered that a summons returnable on the day of 19 , be forwarded to the Court of for service on the said $\frac{\text{defendant}}{\text{witness}}$ with a duplicate of this proceeding.

The court-fee of chargeable in respect to the summons has been realized in this Court in stamps.

Dated 19 .

Judge.

No. 8.

ORDER FOR TRANSMISSION OF SUMMONS TO BE SERVED ON A PRISONER. (O. 5, r. 24.)

(Title.)

To

The Superintendent of the Jail at

UNDER the provisions of Order V, rule 24, of the Code of Civil Procedure, 1908, a summons in duplicate is herewith forwarded for service on the defendant who is a prisoner in jail. You are requested to cause a copy of the said summons to be served upon the said defendant and to return the original to this Court signed by the said defendant, with a statement of service endorsed thereon by you.

Judge.

No. 9.

ORDER FOR TRANSMISSION OF SUMMONS TO BE SERVED ON A PUBLIC SERVANT OR SOLDIER. (O. 5, rr. 27, 28.)

(Title.)

To

UNDER the provisions of Order V, rule 27 (*or 28, as the case may be*), of the Code of Civil Procedure, 1908, a summons in duplicate is herewith forwarded for service on the defendant who is stated to be serving under you. You are requested to cause a copy of the said summons to be served upon the said defendant and to return the original to this Court signed by the said defendant, with a statement of service endorsed thereon by you.

Judge.

The Code of Civil Procedure 1908.
(The First Schedule.—Appendix B.—Process.)

No. 10.

TO ACCOMPANY RETURNS OF SUMMONS OF ANOTHER COURT. (O. 5, r. 23.)

(*Title.*)

Read proceeding from the forwarding for service on in Suit No. of 19 of that Court.

Read Serving Officer's endorsement stating that the and proof of the above having been duly taken by me on the oath of and it is ordered that the be returned to the with a copy of this proceeding.

Judge.

Note.—This form will be applicable to process other than summons, the service of which may have to be effected in the same manner.

No. 11.

AFFIDAVIT OF PROCESS-SERVER TO ACCOMPANY RETURN OF A SUMMONS OR NOTICE. (O. 5, r. 18.)

(*Title.*)

The Affidavit of son of I make oath/affirm and say as follows :—

(1) I am a process-server of this Court.

(2) On the day of 19 I received a summons/notice issued by the Court of in Suit No. of 19 in the said Court, dated the day of 19 for service on

(3) The said was at the time personally known to me, and I served the said summons/notice on him/her on the day of 19 at about o' clock in the noon at by tendering a copy thereof to him/her and requiring his/her signature to the original summons/notice.

(*a*)

(*b*)

(*a*) Here state whether the person served signed or refused to sign the process, and in whose presence.
(*b*) Signature of process-server.

or,

(3) The said not being personally known to me accompanied to and pointed out to me a person whom he stated to be the said , and I served the said summons/notice on him/her on the day of 19 , at about o'clock in the noon at by tendering a copy thereof to him/her and requiring his/her signature to the original summons/notice.

(*a*)

(*b*)

(*a*) Here state whether the person served signed or refused to sign the process, and in whose presence.
(*b*) Signature of process-server.

or,

(3) The said and the house in which he ordinarily resides being personally known to me, I went to the said house, in and there on the day of 19 , at about o'clock in the noon, I did not find the said

(*a*)

(*b*)

(*a*) Enter fully and exactly the manner in which the process was served, with special reference to Order 5, rules 15 and 17.
(*b*) Signature of process-server.

or

(3) One accompanied me to and there pointed out to me which he said was the house in which ordinarily resides. I did not find the said there,

(*a*)

(*b*)

(*a*) Enter fully and exactly the manner in which the process was served, with special reference to Order 5, rules 15 and 17.
(*b*) Signature of process-server.

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix B.—Process.)

or,

If substituted service has been ordered, state fully and exactly the manner in which the summons was served with special reference to the terms of the order for substituted service.

Sworn/Affirmed by the said before me this day of 19 .

Empowered under section 139 of the Code of Civil Procedure to administer the oath to deponents.

No. 12.

NOTICE TO DEFENDANT. (O. 9, r. 6.)

(Title.)

To *(Name, description and place of residence.)*

WHEREAS this day was fixed for the hearing of the above suit and a summons was issued to you and the plaintiff has appeared in this Court and you did not so appear, but from the return of the Nazir it has been proved to the satisfaction of the Court that the said summons was served on you but not in sufficient time to enable you to appear and answer on the day fixed in the said summons;

Notice is hereby given to you that the hearing of the suit is adjourned this day and that the day of 19 is now fixed for the hearing of the same; in default of your appearance on the day last mentioned the suit will be heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 13.

SUMMONS TO WITNESS. (O. 16, rr. 1, 5.)

(Title.)

To

WHEREAS your attendance is required to on behalf of the in the above suit, you are hereby required [personally] to appear before this Court on the day of 19 , at o'clock in the forenoon, and to bring with you [*or* to send to this Court]

A sum of Rs. , being your travelling and other expenses and subsistence allowance for one day, is herewith sent. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

NOTICE.—(1) If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

(2) If you are detained beyond the day aforesaid, a sum of Rs. will be tendered to you for each day's attendance beyond the day specified.

No. 14.

PROCLAMATION REQUIRING ATTENDANCE OF WITNESS. (O. 16, r. 10.)

(Title.)

To

WHEREAS it appears from the examination on oath of the serving officer that the summons could not be served upon the witness in the manner prescribed by law: and whereas it appears that the evidence of the witness is material, and he absconds and keeps out of the way for the purpose of evading the service of the summons: This proclamation is therefore, under rule 10 of Order XVI of the Code of Civil Procedure, 1908, issued requiring the attendance of the witness in this Court on the day of 19 at o'clock in the forenoon, and from day to day until he shall have leave to depart; and if the witness fails to attend on the day and hour aforesaid he will be dealt with according to law.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix B.—Process.)

No. 15.

PROCLAMATION REQUIRING ATTENDANCE OF WITNESS. (O. 16, r. 10.)

(*Title.*)

To

WHEREAS it appears from the examination on oath of the serving officer that the summons has been duly served upon the witness, and whereas it appears that the evidence of the witness is material and he has failed to attend in compliance with such summons: This proclamation is therefore, under rule 10 of Order XVI of the Code of Civil Procedure, 1908, issued, requiring the attendance of the witness in this Court on the day of 19 at o'clock in the forenoon, and from day to day until he shall have leave to depart; and if the witness fails to attend on the day and hour aforesaid he will be dealt with according to law.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 16.

WARRANT OF ATTACHMENT OF PROPERTY OF WITNESS. (O. 16, r. 10.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS the witness

cited by

has not, after the expiration of the period limited in the proclamation issued for his attendance, appeared in Court; You are hereby directed to hold under attachment property belonging to the said witness to the value of and to submit a return, accompanied with an inventory thereof, within days.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 17.

WARRANT OF ARREST OF WITNESS. (O. 16, r. 10.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS has been duly served with a summons but has failed to attend [absconds and keeps out of the way for the purpose of avoiding service of a summons]; You are hereby ordered to arrest and bring the said before the Court.

You are further ordered to return this warrant on or before the day of 19 with an endorsement certifying the day on and the manner in which it has been executed or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 18.

WARRANT OF COMMITTAL. (O. 16, r. 16.)

(*Title.*)

To

The Officer in charge of the Jail at

WHEREAS the plaintiff (or defendant) in the abovenamed suit has made application to this Court that security be taken for the appearance of to give evidence (or to produce a document), on the day of 19 ; and whereas the Court has called upon the said to furnish such security, which he has failed to do; This is to require you to receive the said into your custody in the civil prison and to produce him before this Court at on the said day and on such other day or days as may be hereafter ordered.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix B.—Process.)

No. 19.

WARRANT OF COMMITTAL. (O. 16, r. 18.)

(*Title.*)

To

The Officer in charge of the Jail at

WHEREAS , whose attendance is required before this Court in the above named case to give evidence (*or* to produce a document), has been arrested and brought before the Court in custody; and whereas owing to the absence of the plaintiff (*or* defendant), the said cannot give such evidence (*or* produce such document); and whereas the Court has called upon the said to give security for his appearance on the day of 19 , at which he has failed to do; This is to require you to receive the said into your custody in the civil prison and to produce him before this Court at on the day of 19 .

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix C.—Discovery, Inspection and Admission.)

APPENDIX C.

DISCOVERY, INSPECTION AND ADMISSION.

No. 1.

ORDER FOR DELIVERY OF INTERROGATORIES. (O. 11, r. 1.)

In the Court of

Civil Suit No. of 19 .

A. B. ... ... *Plaintiff,*

against

C. D., E. F. and G. H. ... ... *Defendants.*

Upon hearing and upon reading the affidavit of filed the day of 19 ; It is ordered that the be at liberty to deliver to the interrogatories in writing, and that the said do answer the interrogatories as prescribed by Order XI, rule 8, and that the costs of this application be

No. 2.

INTERROGATORIES. (O. 11, r. 4.)

(Title as in No. 1, supra.)

Interrogatories on behalf of the above-named [*plaintiff or defendant C. D.*] for the examination of the above-named [*defendants E. F. and G. H. or plaintiff*].

1. Did not, etc.
2. Has not, etc.

etc., etc., etc.

[*The defendant E. F. is required to answer the interrogatories numbered* .]
[*The defendant G. H. is required to answer the interrogatories numbered* .]

No. 3.

ANSWER TO INTERROGATORIES. (O. 11, r. 9.)

(Title as in No. 1, supra.)

The answer of the above-named defendant E. F. to the interrogatories for his examination by the above-named plaintiff.

In answer to the said interrogatories, I, the above-named E. F., make oath and say as follows :—

1.
2. } Enter answers to interrogatories in paragraphs numbered consecutively.

3. I object to answer the interrogatories numbered on the ground that [*state grounds of objection*].

No. 4.

ORDER FOR AFFIDAVIT AS TO DOCUMENTS. (O. 11, r. 12.)

(Title as in No. 1, supra.)

Upon hearing
It is ordered that the do within days from the date of this order, answer on affidavit stating which documents are or have been in his possession or power relating to the matter in question in this suit and that the costs of this application be

No. 5.

AFFIDAVIT AS TO DOCUMENTS. (O. 11, r. 13.)

(Title as in No. 1, supra.)

I, the above-named defendant C. D., make oath and say as follows :—

1. I have in my possession or power the documents relating to the matters in question in this suit set forth in the first and second parts of the first schedule hereto.

2. I object to produce the said documents set forth in the second part of the first schedule hereto [*state grounds of objection*].

3. I have had, but have not now, in my possession or power the documents relating to the matters in question in this suit set forth in the second schedule hereto.

4. The last-mentioned documents were last in my possession or power on [*state when and what has become of them, and in whose possession they now are*].

5. According to the best of my knowledge, information and belief I have not now, and never had, in my possession, custody or power, or in the possession, custody or power of my pleader or agent, or in the

The Code of Civil Procedure, 1908.

(The First Schedule—Appendix C.—Discovery, Inspection and Admission.)

possession, custody or power of any other person on my behalf, any account, book of account, voucher, receipt, letter, memorandum, paper or writing, or any copy of or extract from any such document, or any other document whatsoever, relating to the matters in question in this suit or any of them, or wherein any entry has been made relative to such matters or any of them, other than and except the documents set forth in the said first and second schedules hereto.

No. 6.

ORDER TO PRODUCE DOCUMENTS FOR INSPECTION. (O. 11, r. 14.)

(Title as in No. 1, supra.)

Upon hearing and upon reading the affidavit of filed the day of 19 ; It is ordered that the do, at all seasonable times, on reasonable notice, produce at , situate at , the following documents, namely, , and that the be at liberty to inspect and peruse the documents so produced, and to make notes of their contents. In the meantime it is ordered that all further proceedings be stayed and that the costs of this application be

No. 7.

NOTICE TO PRODUCE DOCUMENTS. (O. 11, r. 16.)

(Title as in No. 1, supra.)

Take notice that the [*plaintiff or defendant*] requires you to produce for his inspection the following documents referred to in your [plaint *or* written statement *or* affidavit dated the day of 19].

[*Describe documents required.*]

X. Y., Pleader for the .

To Z., Pleader for the

No. 8.

NOTICE TO INSPECT DOCUMENTS. (O. 11, r. 17.)

(Title as in No. 1, supra.)

Take notice that you can inspect the documents mentioned in your notice of the day of 19 [*except the documents numbered in that notice*] at [*insert place of inspection*] on Thursday next, the instant, between the hours of 12 and 4 o'clock.

Or, that the [*plaintiff or defendant*] objects to giving you inspection of documents mentioned in your notice of the day of 19 , on the ground that [*state the ground*]:—

No. 9.

NOTICE TO ADMIT DOCUMENTS. (O. 12, r. 3.)

(Title as in No. 1, supra.)

Take notice that the plaintiff [*or* defendant] in this suit proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant [*or* plaintiff], his pleader or agent, at on between the hours of ; and the defendant [*or* plaintiff] is hereby required, within forty-eight hours from the last-mentioned hour, to admit that such of the said documents as are specified to be originals were respectively written, signed or executed, as they purport respectively to have been; that such as are specified as copies are true copies; and such documents as are stated to have been served, sent or delivered were so served, sent or delivered, respectively, saving all just exceptions to the admissibility of all such documents as evidence in this suit.

G. H., *pleader* [or *agent*] *for plaintiff* [or *defendant*].

To E. F., *pleader* [or *agent*] *for defendant* [or *plaintiff*].

[*Here describe the documents and specify as to each document whether it is original or a copy.*]

No. 10.

NOTICE TO ADMIT FACTS. (O. 12, r. 5.)

(Title as in No. 1, supra.)

Take notice that the plaintiff [*or* defendant] in this suit requires the defendant [*or* plaintiff] to admit for the purposes of this suit only, the several facts respectively hereunder specified; and the defendant [*or* plaintiff] is hereby required, within six days from the service of this notice, to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this suit.

G. H., *pleader* [or *agent*] *for plaintiff* [or *defendant*].

To E. F., *pleader* [or *agent*] *for defendant* [or *plaintiff*].

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix C.—Discovery, Inspection and Admission.)

The facts, the admission of which is required, are—

1. That M. died on the 1st January, 1890.
2. That he died intestate.
3. That N. was his only lawful son.
4. That O. died on the 1st April, 1896.
5. That O. was never married.

No. 11.

ADMISSION OF FACTS PURSUANT TO NOTICE. (O. 12, r. 5.)

(Title as in No. 1, supra.)

The defendant [*or* plaintiff] in this suit, for the purposes of this suit only, hereby admits the several facts respectively hereunder specified, subject to the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of any such facts, or any of them, as evidence in this suit :

Provided that this admission is made for the purposes of this suit only, and is not an admission to be used against the defendant [*or* plaintiff] on any other occasion or by any one other than the plaintiff [*or* defendant, *or* party requiring the admission].

E. F., *pleader* [or *agent*] *for defendant* [or *plaintiff*].

To G. H., *pleader* [or *agent*] *for plaintiff* [or *defendant*].

Facts admitted.	Qualifications or limitations, if any, subject to which they are admitted.
1. That M. died on the 1st January, 1890 . .	1.
2. That he died intestate	2.
3. That N. was his lawful son	3. But not that he was his only lawful son.
4. That O. died	4. But not that he died on the 1st April, 1896.
5. That O. was never married	5.

No. 12.

NOTICE TO PRODUCE (GENERAL FORM). (O. 12, r. 8.)

(Title as in No. 1, supra.)

Take notice that you are hereby required to produce and show to the Court at the first hearing of this suit all books, papers, letters, copies of letters and other writings and documents in your custody, possession or power, containing any entry, memorandum or minute relating to the matters in question in this suit, and particularly

G. H., *pleader* [or *agent*] *for plaintiff* [or *defendant*].

To E. F., *pleader* [or *agent*] *for defendant* [or *plaintiff*].

The Code of Civil Procedure, 1908.
(The First Schedule.—Appendix D.—Decrees.)

APPENDIX D.

DECREES.

No. 1.

DECREE IN ORIGINAL SUIT. (O. 20, rr. 6, 7.)

(Title.)

Claim for

This suit coming on this day for final disposal before in the presence of for the plaintiff and of for the defendant, it is ordered and decreed that and that the sum of Rs. be paid by the to the on account of the costs of this suit, with interest thereon at the rate of per cent. per annum from this date to date of realization.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

Costs of Suit.

Plaintiff.	Rs.	A.	P.	Defendant.	Rs.	A.	P.
1. Stamp for plaint . . .				Stamp for power . . .			
2. Do. for power . . .				Do. for petition . . .			
3. Do. for exhibits . .				Pleader's fee . . .			
4. Pleader's fee on Rs. . .				Subsistence for witnesses . .			
5. Subsistence for witnesses .				Service of process . . .			
6. Commissioner's fee . .				Commissioner's fee . . .			
7. Service of process . . .							
Total .				Total .			

No. 2.

SIMPLE MONEY DECREE. (Section 34.)

(Title.)

Claim for

This suit coming on this day for final disposal before in the presence of for the plaintiff and of for the defendant, it is ordered that the do pay to the the sum of Rs. with interest thereon at the rate of per cent. per annum from to the date of realization of the said sum and do also pay Rs. , the costs of this suit with interest thereon at the rate of per cent. per annum from this date to the date of realization.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix D.—Decrees.)

Costs of Suit.

Plaintiff.	Rs.	A.	P.	Defendant.	Rs.	A.	P.
1. Stamp for plaint . . .				Stamp for power . . .			
2. Do. for power . . .				Do. for petition . . .			
3. Do. for exhibits . .				Pleader's fee			
Pleader's fee on Rs. . .				Subsistence for witnesses . .			
Subsistence for witnesses .				Service of process . . .			
Commissioner's fee . .				Commissioner's fee . . .			
Service of process . . .							
Total .				Total .			

No. 3.

PRELIMINARY DECREE FOR FORECLOSURE. (O. 34, r. 2.)

(Title.)

This suit coming on this day, etc.; It is hereby declared that the amount due to the plaintiff on account of principal, interest and costs calculated up to the day of 19 , is Rs. ; and it is decreed as follows :—

(1) That if the defendant pays into Court the amount so declared due on or before the said day of 19 , the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if so required, retransfer the property to the defendant free from the mortgage and from all incumbrances created by the plaintiff or any person claiming under him. [Where the plaintiff claims by derived title add *or by those under whom he claims.*] [Where the plaintiff is in possession add *and shall put the defendant in possession of the property.*]

(2) That if such payment is not made on or before the said day of 19 the defendant shall be debarred from all right to redeem the property.

Schedule.

Description of the mortgaged property.

No. 4.

PRELIMINARY DECREE FOR SALE. (O. 34, r. 4.)

(Title.)

This suit coming on this day, etc.; It is hereby declared that the amount due to the plaintiff on account of principal, interest and costs calculated up to the day of 19 is Rs. and that such amount shall carry interest at the rate of per cent. per annum until realization; and it is decreed as follows :—

(1) That if the defendant pays into Court the amount so declared due on or before the said day of 19 , the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if so required, retransfer the property to the defendant free from the mortgagee and from all incumbrances created by the plaintiff or any person claiming under him. [Where the plaintiff claims by derived title add *or by those under whom he claims.*] [Where the plaintiff is in possession add *and shall put the defendant in possession of the property.*]

(2) That if such payment is not made on or before the said day of 19 the mortgaged property or a sufficient part thereof be sold and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is declared due to the plaintiff as aforesaid together with subsequent interest and subsequent costs, and that the balance, if any, be paid to the defendant.

(3) That if the net proceeds of the sale are insufficient to pay such amount and such subsequent interest and costs in full, the plaintiff shall be at liberty to apply for a personal decree for the amount of the balance.

Schedule.

Description of the mortgaged property.

No. 5.

PRELIMINARY DECREE FOR REDEMPTION. (O. 34, r. 7.)

(Title.)

This suit coming on this day, etc.; It is hereby declared that the amount due to the defendant on account of principal, interest and costs calculated up to the day of 19 is Rs. ;

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix D.—Decrees.)

and it is decreed as follows :—

(1) That if the plaintiff pays into Court the amount so declared due on or before the said day of 19 , the defendant shall deliver up to the plaintiff, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if so required, retransfer the property to the plaintiff free from the mortgage and from all incumbrances created by the defendant or any person claiming under him. [Where the defendant claims by derived title add *or by those under whom he claims.*] [Where the defendant is in possession add *and shall put the plaintiff in possession of the property.*]

(2) That if such payment is not made on or before the said day of 19 , the plaintiff shall be debarred from all right to redeem the property. [If the mortgage is simple or usufructuary substitute *the property shall be sold.*]

Schedule.

Description of the mortgaged property.

No. 6.

DECREE FOR FORECLOSURE.—FIRST MORTGAGEE *v.* SECOND MORTGAGEE AND MORTGAGOR.—SUCCESSIVE PERIODS FOR REDEMPTION.

(Title.)

It is hereby declared that the amount due to the plaintiff on account of principal, interest and costs calculated up to the day of 19 (*a*) is Rs. *x*, and that on the day of 19 (*b*) there will be due to the plaintiff for interest the further sum of Rs. , making in all Rs. *y*; and it is further declared that on the day of 19 (*b*) there will be due to the first defendant on account of principal, interest and costs Rs. *z*;

and it is decreed as follows :—

(1) That if the first defendant pays into Court the said sum of Rs. *x* on or before the said day of 19 (*a*) the plaintiff shall deliver up, etc. (as in Form No. 3).

(2) That in default of the first defendant paying the said sum on or before the said day he shall be debarred from all right to redeem the property.

(3) That in case of such foreclosure and if the second defendant pays into Court the said sum of Rs. *y*, on or before the day of 19 , (*b*) the plaintiff shall deliver up, etc. (as in Form No. 3).

(4) That in default of the second defendant paying the said sum on or before the said day he shall be debarred from all right to redeem the property.

(5) That in case the first defendant shall redeem the mortgaged property, if the second defendant pays into Court the said sums of Rs. *y* and Rs. *z* on or before the day of 19 , (*b*) the first defendant shall deliver up, etc. (as in Form No. 3).

(6) That in default of the second defendant paying the said sums on or before the said day he shall be debarred from all right to redeem the property. [Where the second defendant is in possession add *and shall put the first defendant in possession of the property.*]

No. 7.

DECREE FOR SALE.—FIRST MORTGAGEE *v.* SECOND MORTGAGEE AND MORTGAGOR.—ONE PERIOD FOR REDEMPTION.

(Title.)

It is hereby declared that the amount due to the plaintiff on account of principal, interest and costs calculated up to the day of 19 is Rs. *x*, and that on the said day there will be due to the first defendant on account of principal, interest and costs Rs. *y*;

and it is decreed as follows :—

(1) That if the defendants or either of them pay into Court the said sum of Rs. *x* on or before the said day of 19 the plaintiff shall deliver up, etc. (as in Form No. 4).

(2) That if payment of the said sum is not made on or before the day of 19 the mortgaged property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court to the credit of this suit, and applied, first, in payment to the plaintiff of the said sum of Rs. *x* and such subsequent interest and costs as may be allowed by the Court; secondly, in payment to the first defendant of the said sum of Rs. *y* and such subsequent interest and costs as aforesaid; and that the balance, if any, be paid to the second defendant.

(3) That in case the defendants or either of them shall pay the said sum of Rs. *x* as aforesaid, he or they shall be at liberty to apply to the Court that the plaintiff's mortgage may be kept alive for the benefit of the person making the said payment or otherwise as he or they may be advised.

(4) That if the net proceeds of the sale are insufficient to pay the said sum of Rs. *x* and such subsequent interest and costs in full, the plaintiff shall be at liberty to apply for a personal decree for the amount of the balance.

(*a*) Insert a day within six months from the date of decree.
(*b*) Insert a day within three months from the date mentioned in (*a*).

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix D.—Decrees.)

No. 8.

DECREE FOR SALE.—SECOND MORTGAGEE *v.* FIRST MORTGAGEE AND MORTGAGOR.—ONE PERIOD FOR REDEMPTION.

(Title.)

[Insert declarations of the amounts due to the plaintiff Rs. *y* and to the first defendant Rs. *x* as in Form No. 7.]

And it is decreed as follows :—

(1) That if the plaintiff or the second defendant pays into Court the said sum of Rs. *x* on or before the said day of 19 , the first defendant shall deliver up, etc. (as in Form No. 4).

(2) That if payment of the said sum is not made on or before the day of 19 , the first defendant shall be at liberty to apply that the suit be dismissed or for the sale of the mortgaged property; and in case he shall apply for a sale the mortgaged property or a sufficient part thereof shall be sold free from the incumbrances of the plaintiff and first defendant, and the proceeds of the sale (after defraying thereout the expenses of the sale) shall be paid into Court and applied, first, in payment to the first defendant of the said sum of Rs. *x* and such subsequent interest and costs as may be allowed by the Court: secondly, in payment to the plaintiff of the said sum of Rs. *y* and such subsequent interest and costs as aforesaid : and that the balance, if any, be paid to the second defendant.

(3) That if the plaintiff shall pay the said sum of Rs. *x* into Court on or before the day of 19 , the second defendant shall be at liberty to pay into Court the said sum and the sum of Rs. *y* on or before the day of 19 , and thereupon the plaintiff shall deliver up, etc. (as in Form No. 4).

(4) That if the plaintiff shall pay the said sum as aforesaid but the second defendant shall fail to pay the said sums as aforesaid the mortgaged property or a sufficient part thereof shall be sold, and the proceeds of the sale (after defraying thereout the expenses of the sale) shall be applied in payment to the plaintiff of the said sums of Rs. *x* and Rs. *y* and such subsequent interest and costs as may be allowed by the Court, and that the balance, if any, be paid to the second defendant.

(5) That if the net proceeds of the sale are insufficient to pay the said sums, interest and costs in full, the plaintiff shall be at liberty to apply for a personal decree for the amount of the balance.

No. 9.

DECREE FOR SALE.—SUB-MORTGAGEE *v.* MORTGAGEE AND MORTGAGOR, THE AMOUNT OF THE ORIGINAL MORTGAGE EXCEEDING THAT OF THE SUB-MORTGAGE.

(Title.)

[Insert declarations of the amounts due to the plaintiff Rs. *x* and to the first defendant Rs. *y* as in Form No. 7.]

And it is decreed as follows :—

(1) The first defendant and the second defendant shall be at liberty to pay into Court the said sums of Rs. *x* and Rs. *y* respectively on or before the day of 19 , and upon either of the said payments being made the plaintiff shall deliver up, etc. (as in Form No. 4), and thereupon the sum of Rs. *x* shall be paid to the plaintiff.

2) In the event of payment by the second defendant as aforesaid the first defendant shall also deliver up, etc. (as in Form No. 4), and thereupon the residue (after payment to the plaintiff as aforesaid) shall be paid to the first defendant.

(3) In default of payment by the first and second defendants as aforesaid the mortgaged property or a sufficient part thereof shall be sold, and the proceeds of the sale (after deducting thereout the expenses of the sale) shall be paid into Court and applied first in payment to the plaintiff of the said sum of Rs. *x* and such subsequent interest and costs as may be allowed by the Court (but so that the aggregate amount of principal and interest shall not exceed the amount of principal and interest due to the first defendant); secondly, in payment to the first defendant of the excess of Rs. *y* over Rs. *x* and such subsequent interest and costs as aforesaid ; and that the balance, if any, be paid to the second defendant.

(4) In the event of payment by the first defendant and in default of payment by the second defendant as aforesaid, the first defendant shall be at liberty to apply for the sale of the mortgaged property, and thereupon the same or a sufficient part thereof shall be sold, and the net sale-proceeds shall be applied in payment to the first defendant of the said sum of Rs. *y* and such further interest and costs as may be allowed by the Court, and the balance, if any, shall be paid to the second defendant.

(5) That if the net proceeds of the sale are insufficient to pay the aforesaid sums with further interest and costs the plaintiff or the first defendant, as the case may be, shall be at liberty to apply for a personal decree for the amount of the balance.

No. 10.

FINAL DECREE FOR FORECLOSURE. (O. 34, r. 3.)

(Title.)

Upon reading the decree passed in the above suit on the day of 19 , and the application of the plaintiff dated the day of 19 and after hearing pleader for the plaintiff and pleader for the defendant, and it appearing that the payment directed by the said decree has not been made :

It is hereby decreed as follows :—

That the defendant and all persons claiming through or under him be debarred from all right to redeem the mortgaged property set out and described in the schedule hereunto annexed. [Where the defendant is in possession add *and shall put the plaintiff in possession of the said property.*]

Schedule.

Description of the mortgaged property.

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix D.—Decrees.)

No. 11.

DECREE AGAINST MORTGAGOR PERSONALLY. (O. 34, r. 6.)

(Title.)

Whereas the net proceeds of the sale held under the final decree for sale passed in this suit on the day of 19 , and now in Court to the credit of this suit, amount to Rs. *y*, and there is now due to the plaintiff the sum of Rs. *x* mentioned in the said decree together with the further sum of Rs. interest thereon at the rate of 6 per cent. per annum from the day of 19 to this day, and also the sum of Rs. for his costs of this suit subsequent to the decree, making a balance due to the plaintiff of Rs. *z*; And whereas it appears to this Court that the defendant is personally liable for the said balance

It is hereby decreed as follows:—

(1) That the said sum of Rs. *y* be paid out of Court to the plaintiff.

(2) That the defendant do pay to the plaintiff the said sum of Rs. *z* with interest thereon at the rate of 6 per cent. per annum from this day to the date of realization of the said sum.

No. 12.

DECREE FOR RECTIFICATION OF INSTRUMENT.

(Title.)

It is hereby declared that the , dated the day of 19 , does not truly express the intention of the parties to such .

And it is decreed that the said be rectified by .

No. 13.

DECREE TO SET ASIDE A TRANSFER IN FRAUD OF CREDITORS.

(Title.)

It is hereby declared that the , dated the day of 19 , and made between and , is void as against the plaintiff and all other the creditors, if any, of the defendant .

No. 14.

INJUNCTION AGAINST PRIVATE NUISANCE.

(Title.)

Let the defendant , his agents, servants and workmen, be perpetually restrained from burning, or causing to be burnt, any bricks on the defendant's plot of land marked B in the annexed plan, so as to occasion a nuisance to the plaintiff as the owner or occupier of the dwelling-house and garden mentioned in the plaint as belonging to and being occupied by the plaintiff.

No. 15.

INJUNCTION AGAINST BUILDING HIGHER THAN OLD LEVEL.

(Title.)

Let the defendant , his contractors, agents and workmen, be perpetually restrained from continuing to erect upon his premises in any house or building of a greater height than the buildings which formerly stood upon his said premises and which have been recently pulled down, so or in such manner as to darken, injure or obstruct such of the plaintiff's windows in his said premises as are ancient lights.

No. 16.

INJUNCTION RESTRAINING USE OF PRIVATE ROAD.

(Title.)

Let the defendant , his agents, servants and workmen, be perpetually restrained from using or permitting to be used any part of the lane at , the soil of which belongs to the plaintiff, as a carriage-way for the passage of carts, carriages or other vehicles, either going to or from the land marked B in the annexed plan or for any purpose whatsoever.

No. 17.

PRELIMINARY DECREE IN AN ADMINISTRATION-SUIT.

(Title.)

It is ordered that the following accounts and inquiries be taken and made; that is to say:—

In creditor's suit—

1. That an account be taken of what is due to the plaintiff and all other the creditors of the deceased.

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix D.—Decrees.)

In suits by legatees—

2. That an account be taken of the legacies given by the testator's will.

In suits by next-of-kin—

3. That an inquiry be made and account taken of what, or of what share, if any, the plaintiff is entitled to as next-of-kin [*or* one of the next-of-kin] of the intestate.

[After the first paragraph, the decree will, where necessary, order, in a creditor's suit, inquiry and accounts for legatees, heirs-at-law and next-of-kin. In suits by claimants other than creditors, after the first paragraph, in all cases, an order to inquire and take an account of creditors will follow the first paragraph and such of the others as may be necessary will follow, omitting the first formal words. The form is continued as in a creditor's suit.

4. An account of the funeral and testamentary expenses.

5. An account of the moveable property of the deceased come to the hands of the defendant, or to the hands of any other person by his order or for his use.

6. An inquiry what part (if any) of the moveable property of the deceased is outstanding and undisposed of.

7. And it is further ordered that the defendant do, on or before the day of next, pay into Court all sums of money which shall be found to have come to his hands, or to the hands of any person by his order or for his use.

8. And that if the * shall find it necessary for carrying out the objects of the suit to sell any part of the moveable property of the deceased, that the same be sold accordingly, and the proceeds paid into Court.

9. And that Mr. E. F. be receiver in the suit (*or* proceeding), and receive and get in all outstanding debts and outstanding moveable property of the deceased, and pay the same into the hands of the * (and shall give security by bond for the due performance of his duties to the amount of rupees).

10. And it is further ordered that if the moveable property of the deceased be found insufficient for carrying out the objects of the suit, then the following further inquiries be made, and accounts taken, that is to say—

(*a*) an inquiry what immoveable property the deceased was seized of or entitled to at the time of his death;

(*b*) an inquiry what are the incumbrances (if any) affecting the immoveable property of the deceased or any part thereof;

(*c*) an account, so far as possible, of what is due to the several incumbrancers, and to include a statement of the priorities of such of the incumbrancers as shall consent to the sale hereinafter directed.

11. And that the immoveable property of the deceased, or so much thereof as shall be necessary to make up the fund in Court sufficient to carry out the object of the suit, be sold with the approbation of the Judge, free from incumbrances (if any) of such incumbrancers as shall consent to the sale and subject to the incumbrances of such of them as shall not consent.

12. And it is ordered that G. H. shall have the conduct of the sale of the immoveable property, and shall prepare the conditions and contracts of sale subject to the approval of the * and that in case any doubt or difficulty shall arise the papers shall be submitted to the Judge to settle.

13. And it is further ordered that, for the purpose of the inquiries hereinbefore directed, the * shall advertise in the newspapers according to the practice of the Court, or shall make such inquiries in any other way which shall appear to the * to give the most useful publicity to such inquiries.

14. And it is ordered that the above inquiries and accounts be made and taken, and that all other acts ordered to be done be completed, before the day of , and that the * do certify the result of the inquiries, and the accounts, and that all other acts ordered are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of .

15. And, lastly, it is ordered that this suit [*or* proceeding] stand adjourned for making final decree to the day of .

[Such part only of this decree is to be used as is applicable to the particular case.]

No. 18.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE.

(*Title.*)

1. It is ordered that the defendant do, on or before the day of pay into Court the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the estate of , the testator, and also the sum of Rs. for interest, at the rate of Rs. per cent. per annum, from the day of to the day of , amounting together to the sum of Rs.

2. Let the * of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said costs, when so taxed, be paid out of the said sum of Rs. ordered to be paid into Court as aforesaid, as follows:—

(*a*) The costs of the plaintiff to Mr. , his attorney [*or* pleader] *or*, and the costs of the defendant to Mr. , his attorney [*or* pleader].

(*b*) And (*if any debts are due*) with the residue of the said sum of Rs. after payment of the plaintiff's and defendant's costs as aforesaid, let the sums, found to be owing to the several creditors mentioned in the schedule to the certificate, of the * together with subsequent interest on such of the debts

* Here insert name of proper officer.

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix D.—Decrees.)

as bear interest, be paid; and, after making such payments, let the amount coming to the several legatees mentioned in the schedule, together with subsequent interest (to be verified as aforesaid), be paid to them

3. And if there should then be any residue, let the same be paid to the residuary legatee.

No. 19.

PRELIMINARY DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE, WHERE AN EXECUTOR IS HELD PERSONALLY LIABLE FOR THE PAYMENT OF LEGACIES.

(Title.)

1. It is declared that the defendant is personally liable to pay the legacy of Rs. bequeathed to the plaintiff;

2. And it is ordered that an account be taken of what is due for principal and interest on the said legacy;

3. And it is also ordered that the defendant do, within weeks after the date of the certificate of the * pay to the plaintiff the amount of what the * shall certify to be due for principal and interest;

4. And it is ordered that the defendant do pay the plaintiff his costs of suit, the same to be taxed in case the parties differ.

No. 20.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY NEXT-OF-KIN.

(Title.)

1. Let the * of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said plaintiff's costs, when so taxed, be paid by the defendant to the plaintiff out of the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the personal estate of E. F., the intestate, within one week after the taxation of the said costs by the said * and let the defendant retain for her own use out of such sum her costs, when taxed.

2. And it is ordered that the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, be paid and applied by defendant as follows:—

(*a*) Let the defendant, within one week after the taxation of the said costs by the * as aforesaid, pay one-third share of the said residue to the plaintiffs A. B., and C. D., his wife, in her right as the sister and one of the next-of-kin of the said E. F., the intestate.

(*b*) Let the defendant retain for her own use one other third share of the said residue, as the mother and one of the next-of-kin of the said E. F., the intestate.

(*c*) And let the defendant, within one week after the taxation of the said costs by the * as aforesaid, pay the remaining one-third share of the said residue to G. H., as the brother and the other next-of-kin of the said E. F., the intestate.

No. 21.

PRELIMINARY DECREE IN A SUIT FOR DISSOLUTION OF PARTNERSHIP AND THE TAKING OF PARTNERSHIP ACCOUNTS.

(Title.)

It is declared that the proportionate shares of the parties in the partnership are as follows :—

It is declared that this partnership shall stand dissolved [or shall be deemed to have been dissolved] as from the day of , and it is ordered that the dissolution thereof as from that day be advertised in the Gazette, etc.

And it is ordered that be the receiver of the partnership-estate and effects in this suit and do get in all the outstanding book-debts and claims of the partnership.

And it is ordered that the following accounts be taken:—

1. An account of the credits, property and effects now belonging to the said partnership;

2. An account of the debts and liabilities of the said partnership;

3. An account of all dealings and transactions between the plaintiff and defendant, from the foot of the settled account exhibited in this suit and marked (A), and not disturbing any subsequent settled accounts.

And it is ordered that the goodwill of the business heretofore carried on by the plaintiff and defendant as in the plaint mentioned, and the stock-in-trade, be sold on the premises, and that the * may, on the application of any of the parties, fix a reserved bidding for all or any of the lots at such sale, and that either of the parties is to be at liberty to bid at the sale.

And it is ordered that the above accounts be taken, and all the other acts required to be done be completed, before the day of , and that the * do certify the result of the accounts, and that all other acts are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of

And, lastly, it is ordered that this suit stand adjourned for making a final decree to the day of .

No. 22.

FINAL DECREE IN A SUIT FOR DISSOLUTION OF PARTNERSHIP AND THE TAKING OF PARTNERSHIP ACCOUNTS.

(Title.)

It is ordered that the fund now in Court, amounting to the sum of Rs. , be applied as follows :—

1. In payment of the debts due by the partnership set forth in the certificate of the * amounting the whole to Rs.

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* Here insert name of proper officer.

The Code of Civil Procedure, 1908.

(The First Schedule.—Appendix D.—Decrees.)

2. In payment of the costs of all parties in this suit, amounting to Rs. ,

[*These costs must be ascertained before the decree is drawn up.*]

3. In payment of the sum of Rs. to the plaintiff as his share of the partnership-assets, of the sum of Rs. , being the residue of the said sum of Rs. now in Court, to the defendant as his share of the partnership-assets.

[*Or*, And that the remainder of the said sum of Rs. be paid to the said plaintiff [*or* defendant] in part payment of the sum of Rs. certified to be due to him in respect of the partnership-accounts.]

4. And that the defendant [*or* plaintiff] do on or before the day of pay to the plaintiff [*or* defendant] the sum of Rs. being the balance of the said sum of Rs. due to him, which will then remain due.

No. 23.

DECREE FOR RECOVERY OF LAND AND MESNE PROFITS.

(*Title.*)

It is hereby decreed as follows :—

(1) That the defendant do put the plaintiff in possession of the property specified in the schedule hereunto annexed.

(2) That the defendant do pay to the plaintiff the sum of Rs. with interest thereon at the rate of per cent. per annum to the date of realization on account of mesne profits which have accrued due prior to the institution of the suit.

Or

(2) That an inquiry be made as to the amount of mesne profits which have accrued due prior to the institution of the suit.

(3) That an inquiry be made as to the amount of mesne profits from the institution of the suit until [the delivery of possession to the decree-holder] [the relinquishment of possession by the judgment-debtor with notice to the decree-holder through the Court] [the expiration of three years from the date of the decree].

Schedule.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

APPENDIX E.

EXECUTION.

No. 1.

NOTICE TO SHOW CAUSE WHY A PAYMENT OR ADJUSTMENT SHOULD NOT BE RECORDED AS CERTIFIED.
(O. 21, r. 2.)

(Title.)

To

WHEREAS in execution of the decree in the above-named suit has applied to this Court that the sum of Rs. recoverable under the decree has been $\frac{\text{paid}}{\text{adjusted}}$ and should be recorded as certified, this is to give you notice that you are to appear before this Court on the day of 19 , to show cause why the $\frac{\text{payment}}{\text{adjustment}}$ aforesaid should not be recorded as certified.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 2.

PRECEPT. (Section 46.)

(Title.)

UPON hearing the decree-holder it is ordered that this precept be sent to the Court of at under section 46 of the Code of Civil Procedure, 1908, with directions to attach the property specified in the annexed schedule and to hold the same pending any application which may be made by the decree-holder for execution of the decree.

Schedule.

Dated the day of 19 .

Judge.

No. 3.

ORDER SENDING DECREE FOR EXECUTION TO ANOTHER COURT. (O. 21, r. 6.)

(Title.)

WHEREAS the decree-holder in the above suit has applied to this Court for a certificate to be sent to the Court of at for execution of the decree in the above suit by the said Court, alleging that the judgment-debtor resides or has property within the local limits of the jurisdiction of the said Court, and it is deemed necessary and proper to send a certificate to the said Court under Order XXI, rule 6, of the Code of Civil Procedure, 1908, it is

Ordered:

That a copy of this order be sent to with a copy of the decree and of any order which may have been made for execution of the same and a certificate of non-satisfaction.

Dated the day of 19 .

Judge.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

No. 4.

CERTIFICATE OF NON-SATISFACTION OF DECREE. (O. 21, r. 6.)

(Title.)

Certified that no (1) satisfaction of the decree of this Court in Suit No. of 19 , a copy which is hereunto attached, has been obtained by execution within the jurisdiction of this Court.

Dated the day of 19 .

Judge.

(1) If partial, strike out "no" and state to what extent.

No. 5.

CERTIFICATE OF EXECUTION OF DECREE TRANSFERRED TO ANOTHER COURT. (O. 21, r. 6.)

(Title.)

Number of suit and the Court by which the decree was passed.	Names of parties.	Date of application for execution.	Number the execution case.	Processes issued and dates of service thereof.	Costs of execution.	Amount realized.	How the case is disposed of.	Remarks.
1	2	3	4	5	6	7	8	9
					Rs. A. P.	Rs. A. P.		

Signature of Muharrir in charge.

Signature of Judge.

The Code of Civil Procedure 1908.

(*The First Schedule.—Appendix E.—Execution.*)

No. 6.

APPLICATION FOR EXECUTION OF DECREE. (O. 21, r. 11.)

In the Court of .

I , decree-holder, hereby apply for execution of the decree herein below set forth :—

No. of suit.	Names of parties.	Date of decree.	Whether any appeal preferred from decree.	Payment or adjustment made, if any.	Previous application, if any, with date and result.	Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree.	Amount of costs, if any, awarded.	Against whom to be executed.	Mode in which the assistance of the Court is required.
1	2	3	4	5	6	7	8	9	10
789 of 1897.	A. B.—Plaintiff. . . . C. D.—Defendant. . . .	October 11th, 1897.	No.	None.	Rs. 72-4 recorded on application, dated the 4th March, 1899.	Rs. 314-8-2 principal [interest at 6 per cent. per annum, from date of decree till payment].	Rs. A. P. As awarded in the decree . . 47 10 4 Subsequently incurred . . 8 2 0 Total . 55 12 4	Against the defendant C. D.	[When attachment and sale of moveable property is sought.] I pray that the total amount o Rs. [together with interes on the principal sum up to date of payment] and the costs of taking out this execution, be realized by attachment and sale of defendant's moveable property as per annexed list and paid to me. [When attachment and sale of immoveable property is sought.] I pray that the total amount of Rs. [together with interest on the principal sum up to date of payment] and the costs of taking out this execution be realized by the attachment and sale of defendant's immoveable property specified at the foot of this application and paid to me.

I declare that what is stated herein is true to the best of my knowledge and belief.

Signed , *Decree-holder.*

Dated the day of 19 .

[When attachment and sale of immoveable property is sought.]

Description and Specification of Property.

The undivided one-third share of the judgment-debtor in a house situated in the village of value Rs. 40 and bounded as follows :—

East by G's house ; west by H's house ; south by public road ; north by private lane and J's house.

I declare that what is stated in the above description is true to the best of my knowledge and belief, and so far as I have been able to ascertain the interest of the defendant in the property therein specified.

Signed , *Decree-holder.*

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

No. 7.

NOTICE TO SHOW CAUSE WHY EXECUTION SHOULD NOT ISSUE. (O. 21, r. 22.)

(*Title.*)

To ,

WHEREAS has made application to this Court for execution of decree in Suit No. of 19 on the allegation that the said decree has been transferred to him by assignment, this is to give you notice that you are to appear before this Court on the day of 19 , to show cause why execution should not be granted.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 8.

WARRANT OF ATTACHMENT OF MOVEABLE PROPERTY IN EXECUTION OF A DECREE FOR MONEY. (O. 21, r. 30.)

(*Title.*)

To

The Bailiff of the Court.

DECREE.			
Principal			
Interest			
Costs			
Costs of execution . . .			
Further interest . . .			
Total .			

WHEREAS was ordered by decree of this Court passed on the day of 19 , in Suit No. of 19 , to pay to the plaintiff the sum of Rs. as noted in the margin; and whereas the said sum of Rs. has not been paid; These are to command you to attach the moveable property of the said as set forth in the schedule hereunto annexed, or which shall be pointed out to you by the said , and unless the said shall pay to you the said sum of Rs. together with Rs. , the costs of this attachment, to hold the same until further orders from this Court.

You are further commanded to return this warrant on or before the day of 19 , with an endorsement certifying the day on which and manner in which it has been executed, or why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Schedule.

Judge.

No. 9.

WARRANT FOR SEIZURE OF SPECIFIC MOVEABLE PROPERTY ADJUDGED BY DECREE. (O. 21, r. 31.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS was ordered by decree of this Court passed on the day of 19 , in Suit No. of 19 , to deliver to the plaintiff the moveable property (*or* a share in the moveable property) specified in the schedule hereunto annexed, and whereas the said property (*or* share) has not been delivered;

These are to command you to seize the said moveable property (*or* a share of the said moveable property) and to deliver it to the plaintiff or to such person as he may appoint in his behalf.

GIVEN under my hand and the seal of the Court, this day of 19 .

Schedule.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

No. 10.

NOTICE TO STATE OBJECTIONS TO DRAFT OF DOCUMENT. (O. 21, r. 34.)

(Title.)

To

TAKE notice that on the day of 19 , the decree-holder in the above suit presented an application to this Court that the Court may execute on your behalf a deed of , whereof a draft is hereunto annexed, of the immoveable property specified hereunder, and that the day of 19 is appointed for the hearing of the said application; and that you are at liberty to appear on the said day and to state in writing any objections to the said draft.

Description of Property.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 11.

WARRANT TO THE BAILIFF TO GIVE POSSESSION OF LAND, ETC. (O. 21, r. 35.)

(Title.)

To

The Bailiff of the Court.

WHEREAS the undermentioned property in the occupancy of has been decreed to , the plaintiff in this suit; You are hereby directed to put the said in possession of the same, and you are hereby authorized to remove any person bound by the decree who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this day of 19 .

Schedule.

Judge.

No. 12.

NOTICE TO SHOW CAUSE WHY WARRANT OF ARREST SHOULD NOT ISSUE. (O. 21, r. 37.)

(Title.)

To

WHEREAS has made application to this Court for execution of decree in suit No. of 19 by arrest and imprisonment of your person, you are hereby required to appear before this Court on the day of 19 , to show cause why you should not be committed to the civil prison in execution of the said decree.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 13.

WARRANT OF ARREST IN EXECUTION. (O. 21, r. 38.)

(Title.)

To

The Bailiff of the Court.

WHEREAS was adjudged by a decree of the Court in Suit No. of 19 , dated the day of 19 , to pay to the decree-holder the sum of Rs. as noted in the margin and whereas the said sum of Rs. has not been paid to the said decree-holder in satisfaction of the said decree, these are to command you to arrest the said judgment-debtor and unless the said judgment-debtor shall pay to you the said sum of Rs. , together with Rs. for the costs of executing this process, to bring the said defendant before the Court with all convenient speed. You are further commanded to return this warrant on or before the day of

Principal			
Interest			
Costs			
Execution			
Total .			

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

19 , with an endorsement certifying the day on which and manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 14.

WARRANT OF COMMITTAL OF JUDGMENT-DEBTOR TO JAIL. (O. 21, r. 40.)

(*Title.*)

To

The Officer in charge of the Jail at

WHEREAS who been brought before this Court this day of 19 , under a warrant in execution of a decree which was made and pronounced by the said Court on the day of 19 , and by which decree it was ordered that the said should pay ; And whereas the said has not obeyed the decree, nor satisfied the Court that he is entitled to be discharged from custody; You are hereby, in the name of the King-Emperor of India, commanded and required to take and receive the said into the civil prison and keep him imprisoned therein for a period not exceeding or until the said decree shall be fully satisfied, or the said shall be otherwise entitled to be released according to the terms and provisions of section 58 of the Code of Civil Procedure, 1908; and the Court does hereby fix annas per diem as the rate of the monthly allowance for the subsistence of the said during his confinement under this warrant of committal.

GIVEN under my signature and the seal of this Court, this day of 19 .

Judge.

No. 15.

ORDER FOR THE RELEASE OF A PERSON IMPRISONED IN EXECUTION OF A DECREE. (Sections 58, 59.)

(*Title.*)

To

The Officer in charge of the Jail at

UNDER orders passed this day, you are hereby directed to set free judgment-debtor now in your custody.

Dated

Judge.

No. 16.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVEABLE PROPERTY TO WHICH THE DEFENDANT IS ENTITLED SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSON TO THE IMMEDIATE POSSESSION THEREOF. (O. 21, r. 46.)

(*Title.*)

To

WHEREAS has failed to satisfy a decree passed against on the day of 19 in Suit No. of 19 , in favour of for Rs. ; It is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from the following property in the possession of the said , that is to say, , to which the defendant is entitled, subject to any claim of the said , and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to ny person or persons whomsoever.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 17.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF DEBTS OT SECURED BY NEGOTIABLE INSTRUMENTS. (O. 21, r. 46.)

(Title.)

To

WHEREAS has failed to satisfy a decree passed against on the day of 19 in Suit No. of 19 , in favour of , for Rs. ; It is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from you a certain debt alleged now to be due from you to the said defendant, namely, and that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from making payment of the said debt, or any part thereof, to any person whomsoever or otherwise than into this Court.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 18.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN THE CAPITAL OF A CORPORATION. (O. 21, r. 46.)

(Title.)

To Defendant, and to , Secretary of Corporation.

WHEREAS has failed to satisfy a decree passed against on the day of 19 , in Suit No. of 19 , in favour of , for Rs. ; It is ordered that you, the defendant, be, and you are hereby, prohibited and restrained, until the further order of this Court, from making any transfer of shares in the aforesaid Corporation, namely, , or from receiving payment of any dividends thereon ; and you, , the Secretary of the said Corporation, are hereby prohibited and restrained from permitting any such transfer or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 19.

ORDER TO ATTACH SALARY OF PUBLIC OFFICER OR SERVANT OF RAILWAY COMPANY OR LOCAL AUTHORITY. (O. 21, r. 48.)

(Title.)

WHEREAS , judgment-debtor in the above-named case, is a (*describe office of judgment-debtor*) receiving his salary (*or* allowances) at your hands ; and whereas , decree-holder in the said case, has applied in this Court for the attachment of the salary (*or* allowances) of the said to the extent of due to him under the decree; You are hereby required to withhold the said sum of from the salary of the said in monthly instalments of and to remit the said sum (*or* monthly instalments) to this Court.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

No 20.

ORDER OF ATTACHMENT OF NEGOTIABLE INSTRUMENT. (O. 21, r. 51.)

(Title.)

To

The Bailiff of the Court.

WHEREAS an order has been passed by this Court on the day of 19 , for the attachment of ;
You are hereby directed to seize the said and bring the same into Court.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 21.

ATTACHMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY OR OF ANY SECURITY IN THE CUSTODY OF A COURT OF JUSTICE OR OFFICER OF GOVERNMENT. (O. 21, r. 52.)

(Title.)

To

SIR,

The plaintiff having applied, under rule 22 of Order XXI of the Code of Civil Procedure, 1908, for an attachment of certain money now in your hands (*here state, how the money is supposed to be in the hands of the person addressed, on what account, etc.*), I request that you will hold the said money subject to the further order of this Court.

I have the honour to be,

SIR,

Your most obedient Servant,

Judge.

Dated the day of 19 .

No. 22.

NOTICE OF ATTACHMENT OF A DECREE TO THE COURT WHICH PASSED IT. (O. 21, r. 53.)

(Title.)

To

The Judge of the Court o

SIR,

I have the honour to inform you that the decree obtained in your Court on the day of 19 , by in Suit No. of 19 , in which he was and was has been attached by this Court on the application of the in the suit specifed above. You are therefore requested to stay the execution of the decree of your Court until you receive an intimation from this Court that the present notice has been cancelled or until execution of the said decree is applied for by the holder of the decree now sought to be executed or by his judgment-debtor.

I have the honour, etc ,

Judge.

Date the day of 19 .

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

No. 23.

NOTICE OF ATTACHMENT OF A DECREE TO THE HOLDER OF THE DECREE. (O. 21, r. 53.)

(Title.)

To

WHEREAS an application has been made in this Court by the decree-holder in the above suit for the attachment of a decree obtained by you on the day of 19 , in the Court of in Suit No. of 19 , in which was and was ; It is ordered that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from transferring or charging the same in any way.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 24.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVEABLE PROPERTY. (O. 21, r. 54.)

(Title.)

To

Defendant.

WHEREAS you have failed to satisfy a decree passed against you on the day of 19 , in Suit No. of 19 , in favour of , for Rs. ; It is ordered that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from transferring or charging the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all persons be, and that they are hereby, prohibited from receiving the same by purchase, gift or otherwise.

GIVEN under my hand and the seal of the Court, this day of 19 .

Schedule.

Judge.

No. 25.

ORDER FOR PAYMENT TO THE PLAINTIFF, ETC., OF MONEY, ETC., IN THE HANDS OF A THIRD PARTY. (O. 21, r. 56.)

(Title.)

To

WHEREAS the following property has been attached in execution of a decree in Suit No. of 19 , passed on the day of 19 , in favour of , for Rs. ; It is ordered that the property so attached, consisting of Rs. in money and Rs. in currency-notes, or a sufficient part thereof to satisfy the said decree, shall be paid over by you, the said , to .

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

No. 26.

NOTICE TO ATTACHING CREDITOR. (O. 21, r. 58.)

(Title.)

To

WHEREAS has made application to this Court for the removal of attachment on placed at your instance in execution of the decree in Suit No. of 19 , this is to give you notice to appear before this Court on , the day of 19 , either in person or by a pleader of the Court duly instructed to support your claim, as attaching creditor.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 27.

WARRANT OF SALE OF PROPERTY IN EXECUTION OF A DECREE FOR MONEY. (O. 21, r. 66.)

(Title.)

To

The Bailiff of the Court.

THESE are to command you to sell by auction, after giving days previous notice, by affixing the same in this Court-house, and after making due proclamation, the property attached under a warrant from this Court, dated the day of 19 , in execution of a decree in favour of in Suit No. of 19 , or so much of the said property as shall realize the sum of Rs. , being the of the said decree and costs still remaining unsatisfied.

You are further commanded to return this warrant on or before the day of 19 , with an endorsement certifying the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 28.

NOTICE OF THE DAY FIXED FOR SETTLING A SALE PROCLAMATION. (O. 21, r. 66.)

(Title.)

To Judgment-debtor.

WHEREAS in the above-named suit the decree-holder has applied for the sale of ; You are hereby informed that the day of 19 has been fixed for settling the terms of the proclamation of sale.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 29.

PROCLAMATION OF SALE. (O. 21, r. 66.)

(Title.)

Notice is hereby given that, under rule 64 of Order XXI of the Code of Civil Procedure, 1908, an order has been passed by this Court for the sale of the attached property mentioned in the annexed schedule, in satisfaction of the claim of the decree-holder in the suit (1) mentioned in the margin, amounting with costs and interest up to date of sale to the sum of

(1) Suit No. of 19 . decided by the of in which was plaintiff and was defendant.

The Code of Civil Procedure 1908.

(*The First Schedule.—Appendix E.—Execution.*)

The sale will be by public auction, and the property will be put up for sale in the lots specified in the schedule. The sale will be of the property of the judgment-debtors above-named as mentioned in the schedule below; and the liabilities and claims attaching to the said property, so far as they have been ascertained, are those specified in the schedule against each lot.

In the absence of any order of postponement, the sale will be held by at the monthly sale commencing at o'clock on the at . In the event, however, of the debt above specified and of the costs of the sale being tendered or paid before the knocking down of any lot, the sale will be stopped.

At the sale the public generally are invited to bid, either personally or by duly authorized agent. No bid by, or on behalf of, the judgment-creditors above-mentioned, however, will be accepted, nor will any sale to them be valid without the express permission of the Court previously given. The following are the further

Conditions of Sale.

1. The particulars specified in the schedule below have been stated to the best of the information of the Court, but the Court will not be answerable for any error, mis-statement or omission in this proclamation.

2. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid, or as to the bidder, the lot shall at once be again put up to auction.

3. The highest bidder shall be declared to be the purchaser of any lot, provided always that he is legally qualified to bid, and provided that it shall be in the discretion of the Court or officer holding the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.

4. For reasons recorded, it shall be in the discretion of the officer conducting the sale to adjourn it subject always to the provisions of rule 69 of Order XXI.

5. In the case of moveable property, the price of each lot shall be paid at the time of sale or as soon after as the officer holding the sale directs, and in default of payment the property shall forthwith be again put up and re-sold.

6. In the case of immoveable property, the person declared to be the purchaser shall pay immediately after such declaration a deposit of 25 per cent. on the amount of his purchase-money to the officer conducting the sale, and in default of such deposit the property shall forthwith be put up again and re-sold.

7. The full amount of the purchase-money shall be paid by the purchaser before the Court closes on the fifteenth day after the sale of the property, exclusive of such day, or if the fifteenth day be a Sunday or other holiday, then on the first office day after the fifteenth day.

8. In default of payment of the balance of purchase-money within the period allowed, the property shall be re-sold after the issue of a fresh notification of sale. The deposit, after defraying the expenses of the sale, may, if the Court thinks fit, be forfeited to Government and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

Schedule of Property.

Number of lot.	Description of property to be sold, with the name of each owner where there are more judgment-debtors than one.	The revenue assessed upon the estate or part of the estate, if the property to be sold is an interest in an estate or a part of an estate paying revenue to Government.	Detail of any incumbrances to which the property is liable.	Claims, if any, which have been put forward to the property, and any other known particulars bearing on its nature and value.

No. 30.

ORDER ON THE NAZIR FOR CAUSING SERVICE OF PROCLAMATION OF SALE. (O. 21, r. 66.)

(*Title.*)

To

The Nazir of the Court.

WHEREAS an order has been made for the sale of the property of the judgment-debtor specified in the schedule hereunder annexed, and whereas the day of 19 has

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

been fixed for the sale of the said property, copies of the proclamation of sale are by this warrant made over to you, and you are hereby ordered to have the proclamation published by beat of drum within each of the properties specified in the said schedule, to affix a copy of the said proclamation on a conspicuous part of each of the said properties and afterwards on the court-house, and then to submit to this Court a report showing the dates on which and the manner in which the proclamations have been published.

Dated the day of 19 .

SCHEDULE.

Judge.

No. 31.

CERTIFICATE BY OFFICER HOLDING A SALE OF THE DEFICIENCY OF PRICE ON A RE-SALE OF PROPERTY BY REASON OF THE PURCHASER'S DEFAULT. (O. 21, r. 71.)

(Title.)

Certified that at the re-sale of the property in execution of the decree in the above-named suit, in consequence of default on the part of purchaser, there was a deficiency in the price of the said property amounting to Rs. and that the expenses attending such re-sale amounted to Rs. , making a total of Rs. , which sum is recoverable from the defaulter.

Dated the day of 19 .

Officer holding the sale.

No. 32.

NOTICE TO PERSON IN POSSESSION OF MOVEABLE PROPERTY SOLD IN EXECUTION. (O. 21, r. 79.)

(Title.)

To

WHEREAS
has become the purchaser at a public sale in execution of the decree in the above suit of now in your possession, you are hereby prohibited from delivering possession of the said to any person except the said

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 33.

PROHIBITORY ORDER AGAINST PAYMENT OF DEBTS SOLD IN EXECUTION TO ANY OTHER THAN THE PURCHASER. (O. 21, r. 79.)

(Title.)

To and to

WHEREAS
become the purchaser at a public sale in execution of the decree in the above suit of being debts due from you to you

It is ordered that you be, and you are hereby, prohibited from receiving, and you from making payment of, the said debt to any person or persons except the said

GIVEN under my hand and the seal of the Court, this day of 19 .

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

No. 34.

PROHIBITORY ORDER AGAINST THE TRANSFER OF SHARES SOLD IN EXECUTION. (O. 21, r. 79.)

(Title.)

To

and , Secretary of Corporation.

WHEREAS has become the purchaser at a public sale in execution of the decree, in the above suit, of certain shares in the above Corporation, that is to say, of standing in the name of you ; It is ordered that you be, and you are hereby, prohibited from making any transfer of the said shares to any person except the said , the purchaser aforesaid, or from receiving any dividends thereon and you Secretary of the said Corporation, from permitting any such transfer or making any such payment to any person except the said , the purchaser aforesaid.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 35.

CERTIFICATE TO JUDGMENT-DEBTOR AUTHORIZING HIM TO MORTGAGE, LEASE OR SELL PROPERTY.

(O. 21, r. 83.)

(Title.)

WHEREAS in execution of the decree passed in the above suit an order was made on the day of 19 for the sale of the under-mentioned property of the judgment-debtor , and whereas the Court has, on the application of the said judgment-debtor, postponed the said sale to enable him to raise the amount of the decree by mortgage, lease or private sale of the said property or of some part thereof:

This is to certify that the Court doth hereby authorize the said judgment-debtor to make the proposed mortgage, lease or sale within a period of from the date of this certificate; provided that all monies payable under such mortgage, lease or sale shall be paid into this Court and not to the said judgment-debtor.

Description of property.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 36.

NOTICE TO SHOW CAUSE WHY SALE SHOULD NOT BE SET ASIDE. (O. 21, rr. 90, 92.)

(Title.)

To

WHEREAS the under-mentioned property was sold on the day of 19 in execution of the decree passed in the above-named suit, and whereas the decree-holder [*or* judgment-debtor] has applied to this Court to set aside the sale of the said property on the ground of a material irregularity [*or* fraud] in publishing [*or* conducting] the sale, namely, that

Take notice that if you have any cause to show why the said application should not be granted, you should appear with your proofs in this Court on the day of 19 , when the said application will be heard and determined.

GIVEN under my hand and the seal of the Court, this day of 19 .

Description of property.

Judge.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.— Execution.)

No. 37.

NOTICE TO SHOW CAUSE WHY SALE SHOULD NOT BE SET ASIDE. (O. 21, rr. 91, 92.)

(*Title.*)

To

WHEREAS , the purchaser of the under-mentioned property sold on the , day of 19 , in execution of the decree passed in the above-named suit, has applied to this Court to set aside the sale of the said property on the ground that , the judgment-debtor, had no saleable interest therein :

Take notice that if you have any cause to show why the said application should not be granted, you should appear with your proofs in this Court on the day of 19 when the said application will be heard and determined.

GIVEN under my hand and the seal of the Court, this day of 19 .

Description of property.

Judge.

No. 38.

CERTIFICATE OF SALE OF LAND. (O. 21, r. 94.)

(*Title.*)

THIS is to certify that has been declared the purchaser at a sale by public auction on the day of 19 of in execution of decree in this suit, and that the said sale has been duly confirmed by this Court.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 39.

ORDER FOR DELIVERY TO CERTIFIED PURCHASER OF LAND AT A SALE IN EXECUTION. (O. 21, r. 95.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS has become the certified purchaser of at a sale in execution of decree in Suit No. of 19 ; You are hereby ordered to put the said , the certified purchaser, as aforesaid, in possession of the same.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 40.

SUMMONS TO APPEAR AND ANSWER CHARGE OF OBSTRUCTING EXECUTION OF DECREE. (O. 21, r. 97.)

(*Title.*)

To

WHEREAS , the decree-holder in the above suit, has complained to this Court that you have resisted (*or* obstructed) the officer charged with the execution of the warrant for possession :

You are hereby summoned to appear in this Court on the day of 19 at A.M., to answer the said complaint.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix E.—Execution.)

No. 41.

WARRANT OF COMMITTAL. (O. 21, r. 98.)

(Title.)

To

The Officer in Charge of the Jail at

WHEREAS the undermentioned property has been decreed to , the plaintiff in this suit, and whereas the Court is satisfied that without any just cause resisted [*or* obstructed] and is still resisting [*or* obstructing] the said in obtaining possession of the property, and whereas the said has made application to this Court that the said be committed to the civil prison;

You are hereby commanded and required to take and receive the said into the civil prison and to keep him imprisoned therein for the period of days.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 42.

AUTHORITY OF THE COLLECTOR TO STAY PUBLIC SALE OF LAND. (Section 72.)

(Title.)

To

Collector of

SIR,

In answer to your communication No. , dated , representing that the sale in execution of the decree in this suit of land situate within your district is objectionable, I have the honour to inform you that you are authorized to make provision for the satisfaction of the said decree in the manner recommended by you.

I have the honour to be,

SIR,

Your obedient Servant

Judge.

The Code of Civil Procedure, 1908.

(The First Schedule — Appendix E — Execution.)

No. 41.

Warrant of Commitment. (O. 21, r. 65.)

(Title.)

To [illegible] the Court [illegible]

[illegible] ... the property [illegible] ... to be committed to the civil prison ...

[illegible] day of [illegible]

Given under my hand and the seal of the Court, this [illegible] day of [illegible]

No. 45.

Application by the Collector for ... Stay of Sale [illegible] (Section 72.)

(Title.)

Collector of [illegible]

To [illegible] the decree [illegible] ... I have the honour to [illegible]

I have the honour to be,

Your obedient servant,

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix F.—Supplemental Proceedings.)

APPENDIX F.

SUPPLEMENTAL PROCEEDINGS.

No. 1.

WARRANT OF ARREST BEFORE JUDGMENT. (O. 38, r. 1.)

(Title.)

To

The Bailiff of the Court.

WHEREAS , the plaintiff in the above suit, claims the sum of Rs. as noted in the margin and has proved to the satisfaction of the Court that there is probable cause for believing that the defendant is about to

Principal			
Interest			
Costs			
TOTAL .			

These are to command you to demand and receive from the said the sum of Rs. as sufficient to satisfy the plaintiff's claim, and unless the said sum of Rs. is forthwith delivered to you by or on behalf of the said , to take the said into custody, and to bring him before this Court, in order that he may show cause why he should not furnish security to the amount of Rs. for his personal appearance before the Court, until such time as the said suit shall be fully and finally disposed of, and until satisfaction of any decree that may be passed against him in the suit.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 2.

SECURITY FOR APPEARANCE OF A DEFENDANT ARRESTED BEFORE JUDGMENT. (O. 38, r. 2.)

(Title.)

WHEREAS at the instance of , the plaintiff in the above suit, the defendant, has been arrested and brought before the Court;

And whereas on the failure of the said defendant to show cause why he should not furnish security for his appearance, the Court has ordered him to furnish such security:

Therefore I have voluntarily become surety and do hereby bind myself, my heirs and executors, to the said Court, that the said defendant shall appear at any time when called upon while the suit is pending and until satisfaction of any decree that may be passed against him in the said suit; and in default of such appearance I bind myself, my heirs and executors, to pay to the said Court, at its order, any sum of money that may be adjudged against the said defendant in the said suit.

Witness my hand at this day of 19 .

(Signed.)

Witnesses.

1.

2.

No. 3.

SUMMONS TO DEFENDANT TO APPEAR ON SURETY'S APPLICATION FOR DISCHARGE. (O. 38, r. 3.)

(Title.)

To

WHEREAS who became surety on the day of 19 for your appearance in the above suit, has applied to this Court to be discharged from his obligation:

You are hereby summoned to appear in this Court in person on the day of 19 , at A.M., when the said application will be heard and determined.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix F.—Supplemental Proceedings.)

No. 4.

ORDER FOR COMMITTAL. (O. 38, r. 4.)

(Title.)

To

WHEREAS , plaintiff in this suit, has made application to the Court that security be taken for the appearance of , the defendant, to answer any judgment that may be passed against him in the suit; and whereas the Court has called upon the defendant to furnish such security, or to offer a sufficient deposit in lieu of security, which he has failed to do; It is ordered that the said defendant be committed to the civil prison until the decision of the suit; or, if judgment be pronounced against him, until satisfaction of the decree.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 5.

ATTACHMENT BEFORE JUDGMENT, WITH ORDER TO CALL FOR SECURITY FOR FULFILMENT OF DECREE. (O. 38, r. 5.)

(Title.)

To

The Bailiff of the Court.

WHEREAS has proved to the satisfaction of the Court that the defendant in the above suit

These are to command you to call upon the said defendant on or before the day of 19 either to furnish security for the sum of rupees to produce and place at the disposal of this Court when required or the value thereof, or such portion of the value as may be sufficient to satisfy any decree that may be passed against him; or to appear and show cause why he should not furnish security; and you are further ordered to attach the said and keep the same under safe and secure custody until the further order of the Court; and you are further commanded to return this warrant on or before the day of 19 , with an endorsement certifying the date on which and the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 6.

SECURITY FOR THE PRODUCTION OF PROPERTY. (O. 38, r. 5.)

(Title.)

WHEREAS at the instance of , the plaintiff in the above suit, the defendant, has been directed by the Court to furnish security in the sum of Rs. to produce and place at the disposal of the Court the property specified in the schedule hereunto annexed;

Therefore I have voluntarily become surety and do hereby bind myself, my heirs and executors, to the said Court, that the said defendant shall produce and place at the disposal of the Court, when required, the property specified in the said schedule, or the value of the same, or such portion thereof as may be sufficient to satisfy the decree; and in default of his so doing, I bind myself, my heirs and executors, to pay to the said Court, at its order, the said sum of Rs. or such sum not exceeding the said sum as the said Court may adjudge.

Schedule.

Witness my hand at this day of 19 .

(Signed.)

Witnesses.

1.

2.

The Code of Civil Procedure 1908.

(*The First Schedule.—Appendix F.—Supplemental Proceedings.*)

No. 7.

ATTACHMENT BEFORE JUDGMENT, ON PROOF OF FAILURE TO FURNISH SECURITY. (O. 38, r. 6.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS , the plaintiff in this suit, has applied to the Court to call upon , the defendant, to furnish security to fulfil any decree that may be passed against him in the suit, and whereas the Court has called upon the said to furnish such security, which he has failed to do; These are to command you to attach the property of the said and keep the same under safe and secure custody until the further order of the Court; and you are further commanded to return this warrant on or before the day of 19 with an endorsement certifying the date on which and the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 8.

TEMPORARY INJUNCTIONS. (O. 39, r. 1.)

(*Title.*)

Upon motion made unto this Court by , Pleader of [*or* Counsel for] the plaintiff A. B., and upon reading the petition of the said plaintiff in this matter filed [this day] [*or* the plaint filed in this suit on the day of , *or* the written statement of the said plaintiff filed on the day of] and upon hearing the evidence of and in support thereof [*if after notice and defendant not appearing: add,* and also the evidence of as to service of notice of this motion upon the defendant C. D.]. This Court doth order that an injunction be awarded to restrain the defendant C. D., his servants, agents and workmen, from pulling down, or suffering to be pulled down, the house in the plaint in the said suit of the plaintiff mentioned [*or,* in the written statement, *or* petition, of the plaintiff and evidence at the hearing of this motion mentioned] being No. 9, Oilmongers Street, Hindupur, in the Taluk of , and from selling the materials whereof the said house is composed, until the hearing of this suit or until the further order of this Court.

Dated this day of 19 .

Judge.

[*Where the injunction is sought to restrain the negotiation of a note or bill, the ordering part of the order may run thus:—*] to restrain the defendants and from parting with out of the custody of them or any of them or endorsing, assigning or negotiating the promissory note [*or* bill of exchange] in question, dated on or about the , etc., mentioned in the plaintiff's plaint [*or* petition] and the evidence heard at this motion until the hearing of this suit, or until the further order of this Court.

[*In Copyright cases*] to restrain the defendant C. D., his servants, agents or workmen, from printing, publishing or vending a book, called , or any part thereof, until the, etc.

[*Where part only of a book is to be restrained*] to restrain the defendant C. D., his servants, agents or workmen, from printing, publishing, selling or otherwise disposing of such parts of the book in the plaint [*or* petition and evidence, etc.] mentioned to have been published by the defendant as hereinafter specified, namely, that part of the said book which is entitled and also that part which is entitled [*or* which is contained in page to page both inclusive] until , etc.

[*In Patent cases*] to restrain the defendant C. D., his agents, servants and workmen, from making or vending any perforated bricks [or as the case may be] upon the principle of the inventions in the plaintiff's plaint [*or* petition, etc., *or* written statement, etc.,] mentioned, belonging to the plaintiffs, or either of them, during the remainder of the respective terms of the patents in the plaintiff's plaint [or as the case may be] mentioned, and from counterfeiting, imitating or resembling the same inventions, or either of them, or making any addition thereto, or subtraction therefrom, until the hearing, etc.

[*In cases of Trade marks*] to restrain the defendant C. D., his servants, agents or workmen, from selling, or exposing for sale, or procuring to be sold, any composition or blacking [or as the case may be] described as or purporting to be blacking manufactured by the plaintiff A. B., in bottles having affixed thereto such labels as in the plaintiff's plaint [*or* petition, etc.] mentioned, or any other labels so contrived or expressed as, by colourable imitation or

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix F.—Supplemental Proceedings.)

otherwise, to represent the composition or blacking sold by the defendant to be the same as the composition or blacking manufactured and sold by the plaintiff A. B., and from using trade-cards so contrived or expressed as to represent that any composition or blacking sold or proposed to be sold by the defendant is the same as the composition or blacking manufactured or sold by the plaintiff A. B., until the, etc.

[*To restrain a partner from in any way interfering in the business*]

to restrain the defendant C. D., his servants and agents, from entering into any contract, and from accepting, drawing, endorsing or negotiating any bill of exchange, note or written security in the name of the partnership-firm of B. and D., and from contracting any debt, buying and selling any goods, and from making or entering into any verbal or written promise, agreement or undertaking, and from doing, or causing to be done, any act, in the name or on the credit of the said partnership-firm of B. and D., or whereby the said partnership-firm can or may in any manner become or be made liable to or for the payment of any sum of money, or for the performance of any contract, promise or undertaking until the, etc.

No. 6.

APPOINTMENT OF A RECEIVER. (O. 40, r. 1.)

(*Title.*)

To

WHEREAS has been attached in execution of a decree passed in the above suit on the day of 19 , in favour of ; You are hereby (subject to your giving security to the satisfaction of the Court) appointed receiver of the said property under Order XL of the Code of Civil Procedure, 1908, with full powers under the provisions of that Order.

You are required to render a due and proper account of your receipts and disbursements in respect of the said property on . You will be entitled to remuneration at the rate of per cent. upon your receipts under the authority of this appointment.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 7.

BOND TO BE GIVEN BY RECEIVER. (O. 40, r. 3.)

(*Title.*)

KNOW all men by these presents, that we and and are jointly and severally bound to of the Court of in Rs. to be paid to the said or his successor in office for the time being. For which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs, executors and administrators, jointly and severally, by these presents.

Dated this day of 19 .

Whereas a plaint has been filed in this Court by against for the purpose of [*here insert the object of suit*].

And whereas the said has been appointed, by order of the above-mentioned Court, to receive the rents and profits of the immoveable property and to get in the outstanding moveable property of in the said plaint named:

Now the condition of this obligation is such, that if the above-bounden shall duly account for all and every the sum and sums of money which he shall so receive on account of the rents and profits of the immoveable property, and in respect of the moveable property, of the said at such periods as the said Court shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court hath directed or shall hereafter direct, then this obligation shall be void, otherwise it shall remain in full force.

Signed and delivered by the above-bounden in the presence of

Note.—If deposit of money is made, the memorandum thereof should follow the terms of the condition of the bond.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix G.—Appeal, Reference and Review.)

APPENDIX G.

APPEAL, REFERENCE AND REVIEW.

No. 1.

MEMORANDUM OF APPEAL. (O. 41, r. 1.)

(Title.)

The above-named appeals to the Court at from the decree of in Suit No. of 19 , dated the day of 19 , and sets forth the following grounds of objection to the decree appealed from, namely :—

No. 2.

SECURITY BOND TO BE GIVEN ON ORDER BEING MADE TO STAY EXECUTION OF DECREE. (O. 41, r. 5.)

(Title.)

To

This security bond on stay of execution of decree executed by witnesseth :—

That , the plaintiff in Suit No. of 19 , having sued , the defendant, in this Court and a decree having been passed on the day of 19 in favour of the plaintiff, and the defendant having preferred an appeal from the said decree in the Court, the said appeal is still pending.

Now the plaintiff decree-holder having applied to execute the decree, the defendant has made an application praying for stay of execution and has been called upon to furnish security. Accordingly I, of my own free will, stand security to the extent of Rs. , mortgaging the properties specified in the schedule hereunto annexed, and covenant that if the decree of the first Court be confirmed or varied by the Appellate Court the said defendant shall duly act in accordance with the decree of the Appellate Court and shall pay whatever may be payable by him thereunder, and if he should fail therein then any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this day of 19 .

Schedule.

Witnessed by (Signed)

1.

2.

No. 3.

SECURITY BOND TO BE GIVEN DURING THE PENDENCY OF APPEAL. (O. 41, r. 6.)

(Title.)

To

This security bond on stay of execution of decree executed by witnesseth :—

That , the plaintiff in Suit No. of 19 , having sued , the defendant, in this Court and a decree having been passed on the day of 19 in favour of the plaintiff, and the defendant having preferred an appeal from the said decree in the Court, the said appeal is still pending.

Now the plaintiff decree-holder has applied for execution of the said decree and has been called upon to furnish security. Accordingly I, of my own free will, stand security to the extent of Rs. mortgaging the properties specified in the schedule hereunto annexed, and covenant that if the decree of the first Court be reversed or varied by the Appellate Court, the plaintiff shall restore any property which may be or has been taken in execution of the said decree and shall duly act in accordance with the decree of the Appellate Court and shall pay whatever may be payable by him thereunder, and if he should fail therein then any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this day of 19 .

Schedule.

Witnessed by (Signed)

1.

2.

No. 4.

SECURITY FOR COSTS OF APPEAL. (O. 41, r. 10.)

(Title.)

To

This security bond for costs of appeal executed by witnesseth :—

This appellant has preferred an appeal from the decree in Suit No. of 19 , against the respondent, and has been called upon to furnish security. Accordingly I, of my own free will, stand security for the costs of the appeal, mortgaging the properties specified in the schedule hereunto

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix G.—Appeal, Reference and Review.)

annexed. I shall not transfer the said properties or any part thereof, and in the event of any default on the part of the appellant I shall duly carry out any order that may be made against me with regard to payment of the costs of appeal. Any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this day of 19 .

Schedule.

Witnessed by

1.

2.

(Signed)

No. 5.

INTIMATION TO LOWER COURT OF ADMISSION OF APPEAL. (O. 41, r. 13.)

(Title.)

To

You are hereby directed to take notice that the in the above suit, has preferred an appeal to this Court from the decree passed by you therein on the day of 19 .

You are requested to send with all practicable despatch all material papers in the suit.

Dated the day of 19 .

Judge.

No. 6.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL. (O. 41, r. 14.)

(Title.)

APPEAL from the of the Court of dated the day of 19

To

Respondent.

TAKE notice that an appeal from the decree of in this case has been presented by and registered in this Court, and that the day of 19 has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorized to act for you in this appeal, it will be heard and decided in your absence.

GIVEN under my hand and the seal of the Court, this day of 19

Judge

[Note.—If a stay of execution has been ordered, intimation should be given of the fact on this notice.]

No. 7.

NOTICE TO A PARTY TO A SUIT NOT MADE A PARTY TO THE APPEAL BUT JOINED BY THE COURT AS A RESPONDENT. (O. 41, r. 20.)

(Title.)

WHEREAS you were a party in suit No. of 19 , in the Court of , and whereas the has preferred an appeal to this Court from the decree passed against him in the said suit and it appears to this Court that you are interested in the result of the said appeal:

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix G.—Appeal, Reference and Review.)

This is to give you notice that this Court has directed you to be made a respondent in the said appeal and has adjourned the hearing thereof till the day of 19 , at A.M. If no appearance is made on your behalf on the said day and at the said hour, the appeal will be heard and decided in your absence.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 8.

MEMORANDUM OF CROSS OBJECTION. (O. 41, r. 22.)

(Title.)

WHEREAS the has preferred an appeal to the Court at from the decree of in Suit No. of 19 , dated the day of 19 , and whereas notice of the day fixed for hearing the appeal was served on the on the day of 19 , the files this memorandum of cross objection under rule 22 of Order XLI of the Code of Civil Procedure, 1908, and sets forth the following grounds of objection to the decree appealed from, namely :—

No. 9.

DECREE IN APPEAL. (O. 41, r. 35.)

(Title.)

Appeal No. of 19 from the decree of the Court of dated the day of 19 .

Memorandum of Appeal.

Plaintiff.
Defendant.

The above-named appeals to the Court at from the decree of in the above suit, dated the day of 19 , for the following reasons, namely :—

This appeal coming on for hearing on the day of 19 , before , in the presence of for the appellant and of for the respondent, it is ordered—

The costs of this appeal, as detailed below, amounting to Rs. , are to be paid by . The costs of the original suit are to be paid by .

Given under my hand this day of 19

Judge.

Costs of Appeal.

Appellant.	Amount.			Respondent.	Amount.		
	Rs.	a.	p.	Stamp for power . . .	Rs.	a.	p.
1. Stamp for memorandum of appeal.				Do. for petition . . .			
2. Do. for power . . .				Service of processes . .			
3. Service of processes . .				Pleader's fee on Rs . .			
4. Pleader's fee on Rs. . .							
				Total . .			
Total . .							

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix G.—Appeal, Reference and Review.)

No. 10.

APPLICATION TO APPEAL IN FORMÂ PAUPERIS. (O. 44, r. 1.)

(Title.)

I the above-named, present the accompanying memorandum of appeal from the decree in the above suit and apply to be allowed to appeal as a pauper.

Annexed is a full and true schedule of all the moveable and immoveable property belonging to me with the estimated value thereof.

Dated the day of 19 .

(Signed.)

Note.—Where the application is by the plaintiff he should state whether he applied and was allowed to sue in the Court of first instance as a pauper.

No. 11.

NOTICE OF APPEAL IN FORMÂ PAUPERIS. (O. 44, r. 1.)

(Title.)

WHEREAS the above-named has applied to be allowed to appeal as a pauper from the decree in the above suit dated the day of 19 and whereas the day of 19 has been fixed for hearing the application, notice is hereby given to you that if you desire to show cause why the applicant should not be allowed to appeal as a pauper an opportunity will be given to you of doing so on the afore-mentioned date.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

No. 12.

NOTICE TO SHOW CAUSE WHY A CERTIFICATE OF APPEAL TO THE KING IN COUNCIL SHOULD NOT BE GRANTED. (O. 45, r. 3.)

(Title.)

To

TAKE notice that has applied to this Court for a certificate that as regards amount or value and nature the above case fulfils the requirements of section 110 of the Code of Civil Procedure, 1908, or that it is otherwise a fit one for appeal to His Majesty in Council.

The day of 19 is fixed for you to show cause why the Court should not grant the certificate asked for.

Given under my hand and the seal of the Court, this day of 19 .

Registrar.

No. 13.

NOTICE TO RESPONDENT OF ADMISSION OF APPEAL TO THE KING IN COUNCIL. (O. 45, r. 8.)

(Title.)

To

WHEREAS , the in the above case, has furnished the security and made the deposit required by Order XLV, rule 7, of the Code of Civil Procedure, 1908:

Take notice that the appeal of the said to His Majesty in Council has been admitted on the day of 19 .

Given under my hand and the seal of the Court, this day of 19 .

Registrar.

No. 14.

NOTICE TO SHOW CAUSE WHY A REVIEW SHOULD NOT BE GRANTED. (O. 47, r. 4.)

(Title.)

To

TAKE notice that has applied to this Court for a review of its decree passed on the day of 19 in the above case. The day of 19 is fixed for you to show cause why the Court should not grant a review of its decree in this case.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix H.—Miscellaneous.)

APPENDIX H.

MISCELLANEOUS.

No. 1.

AGREEMENT OF PARTIES AS TO ISSUES TO BE TRIED. (O. 14, r. 6.)

(Title.)

WHEREAS we, the parties in the above suit, are agreed as to the question of fact [*or* of law] to be decided between us and the point at issue between us is whether a claim founded on a bond, dated the day of 19 and filed as Exhibit in the said suit, is or is not beyond the statute of limitation (*or state the point at issue whatever it may be*) :

We therefore severally bind ourselves that, upon the finding of the Court in the negative [*or* affirmative] of such issue will pay to the said the sum of Rupees (*or* such sum as the Court shall hold to be due thereon) and I, the said will accept the said sum of Rupees (*or* such sum as the Court shall hold to be due) in full satisfaction of my claim on the bond aforesaid [*or*, that upon such finding I, the said will do or abstain from doing, etc., etc.].

Plaintiff.
Defendant.

Witnesses.—
1.
2.

Dated the day of 19 .

No. 2.

NOTICE OF APPLICATION FOR THE TRANSFER OF A SUIT TO ANOTHER COURT FOR TRIAL. (SECTION 24.)

In the Court of the District Judge of
No. of 19 .

To

WHEREAS an application dated the day of 19 has been made to this Court by the in Suit No. of 19 now pending in the Court of the at in which is plaintiff and is defendant, for the transfer of the suit for trial to the Court of the at :—

You are hereby informed that the day of 19 has been fixed for the hearing of the application, when you will be heard if you desire to offer any objection to it.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

No. 3.

NOTICE OF PAYMENT INTO COURT. (O. 24, r. 2.)

(Title.)

Take notice that the defendant has paid into Court Rs. and says that that sum is sufficient to satisfy the plaintiff's claim in full.

X Y, Pleader for the defendant.

Z, Pleader for the plaintiff.

No. 4.

NOTICE TO SHOW CAUSE. (GENERAL FORM.)

(Title.)

To

WHEREAS the above-named has made application to this Court that ;

You are hereby warned to appear in this Court in person or by a pleader duly instructed on the day of 19 , at o'clock in the forenoon, to show cause against the application, failing wherein, the said application will be heard and determined *ex parte*.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix H.—Miscellaneous.)

Given under my hand and the seal of the Court, this day of 19 .

Judge.

No. 5.

LIST OF DOCUMENTS PRODUCED BY PLAINTIFF/DEFENDANT. (O. 13, r. 1.)

(Title.)

No.	Description of document.	Date, if any, which the document bears.	Signature of party or pleader.
1	2	3	4

No. 6.

NOTICE TO PARTIES OF THE DAY FIXED FOR EXAMINATION OF A WITNESS ABOUT TO LEAVE THE JURISDICTION. (O. 18, r. 16.)

(Title.)

To

WHEREAS in the above suit application has been made to the Court by plaintiff (*or* defendant). that the examination of , a witness required by the said in the said suit, may be taken immediately; and it has been shown to the Court's satisfaction that the said witness is about to leave the Court's jurisdiction (*or any other good and sufficient cause, to be stated*):

Take notice that the examination of the said witness will be taken by the Court on the day of 19 .

Dated the day of 19 .

Judge.

No. 7.

COMMISSION TO EXAMINE ABSENT WITNESS. (O. 26, rr. 4, 18.)

(Title.)

To

WHEREAS the evidence of is required by the in the above suit; and whereas ; you are requested to take the evidence on interrogatories [or *vivâ voce*] of such witness, and you are hereby appointed Commissioner for that purpose. The evidence will be taken in the presence

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix H.—Miscellaneous.)

of the parties or their agents if in attendance, who will be at liberty to question the witness on the points specified; and you are further requested to make return of such evidence as soon as it may be taken.

Process to compel the attendance of the witness will be issued by any Court having jurisdiction on your application.

A sum of Rs. , being your fee in the above, is herewith forwarded.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

No. 8.

LETTER OF REQUEST. (O. 26, r. 5.)

(Title.)

(Heading:—To the President and Judges of, etc., etc., *or as the case may be.*)

WHEREAS a suit is now pending in the in which A. B. is plaintiff and C. D. is defendant; And in the said suit the plaintiff claims

(abstract of claim) ;

And whereas it has been represented to the said Court that it is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties, that the following persons should be examined as witnesses upon oath touching such matters, that is to say:

E. F., of
G. H., of and
I. J., of

And it appearing that such witnesses are resident within the jurisdiction of your honourable Court;

Now I , as the of the said Court, have the honour to request, and do hereby request, that for the reasons aforesaid and for the assistance of the said Court, you, as the President and Judges of the said , or some one or more of you, will be pleased to summon the said witness (and such other witnesses as the agents of the said plaintiff and defendant shall humbly request you in writing so to summon) to attend at such time and place as you shall appoint before some one or more of you or such other person as according to the procedure of your Court is competent to take the examination of witnesses, and that you will cause such witnesses to be examined upon the interrogatories which accompany this letter of request (or *vivâ voce*) touching the said matters in question in the presence of the agents of the plaintiff and defendant, or such of them as shall, on due notice given, attend such examination.

And I further have the honour to request that you will be pleased to cause the answers of the said witnesses to be reduced into writing, and all books, letters, papers and documents produced upon such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your tribunal, or in such other way as is in accordance with your procedure, and to return the same, together with such request in writing, if any, for the examination of other witnesses to the said Court.

(Note.—If the Request is directed to a Foreign Court, the words "through His Majesty's Secretary of State for Foreign Affairs for transmission" should be inserted after the words "other witnesses" in the penultimate line of this form.)

No. 9.

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS. (O. 26, rr. 9, 11.)

(Title.)

To

WHEREAS it is deemed requisite, for the purposes of this suit, that a commission for should be issued; You are hereby appointed Commissioner for the purpose of

Process to compel the attendance before you of any witnesses or for the production of any documents, whom or which you may desire to examine or inspect, will be issued by any Court having jurisdiction on your application.

A sum of Rs. , being your fee in the above, is herewith forwarded

Given under my hand and the seal of the Court this day of 19 .

Judge.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix H.—Miscellaneous.)

No. 10.

COMMISSION TO MAKE A PARTITION (O. 26, r. 13.)

(Title.)

To

WHEREAS it is deemed requisite for the purposes of this suit that a commission should be issued to make the partition or separation of the property specified in, and according to the rights as declared in, the decree of this Court, dated the day of 19 ; You are hereby appointed Commissioner for the said purpose and are directed to make such inquiry as may be necessary, to divide the said property according to the best of your skill and judgment in the shares set out in the said decree, and to allot such shares to the several parties. You are hereby authorised to award sums to be paid to any party by any other party for the purpose of equalizing the value of the shares.

Process to compel the attendance before you of any witness, or for the production of any documents whom or which you may desire to examine or inspect, will be issued by any Court having jurisdiction on your application.

A sum of Rs. , being your fee in the above, is herewith forwarded.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

No. 11.

NOTICE TO MINOR DEFENDANT AND GUARDIAN. (O. 32, r. 3.)

(Title.)

To

Minor Defendant.

Natural Guardian.

WHEREAS an application has been presented on the part of the plaintiff in the above suit for the appointment of a guardian for the suit to the minor defendant, you, the said minor, and you (1) are hereby required to take

(1) Here insert the name of guardian,

notice that unless within days from the service upon you of this notice, an application is made to this Court for the appointment of you (1) or of some friend of you, the minor, to act as guardian for the suit, the Court will proceed to appoint some other person to act as a guardian to the minor for the purposes of the said suit.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

No. 12.

NOTICE TO OPPOSITE PARTY OF DAY FIXED FOR HEARING EVIDENCE OF PAUPERISM. (O. 33, r. 6.)

(Title.)

To

WHEREAS has applied to this Court for permission to institute a suit against *in forma pauperis* under Order XXXIII of the Code of Civil Procedure, 1908 ; and whereas the Court sees no reason to reject the application; and whereas the day of 19 has been fixed for receiving such evidence as the applicant may adduce in proof of his pauperism and for hearing any evidence which may be adduced in disproof thereof:

Notice is hereby given to you under rule 6 of Order XXXIII that in case you may wish to offer any evidence to disprove the pauperism of the applicant, you may do so on appearing in this Court on the said day of 19 .

Given under my hand and the seal of the Court, this day of 19 .

The Code of Civil Procedure 1908.

(*The First Schedule.—Appendix H.—Miscellaneous.*)

No. 13.

NOTICE TO SURETY OF HIS LIABILITY UNDER A DECREE. (Section 145.)

(*Title.*)

To

WHEREAS you did on , become liable as surety for the performance of any decree which might be passed against the said defendant in the above suit; and whereas a decree was passed on the day of 19 against the said defendant for the payment of , and whereas application has been made for execution of the said decree against you:

Take notice that you are hereby required on or before the day of 19 to show cause why the said decree should not be executed against you, and if no sufficient cause shall be, within the time specified, shown to the satisfaction of the Court, an order for its execution will be forthwith issued in the terms of the said application.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix H.—Miscellaneous.)

No. 14.

REGISTER OF CIVIL SUITS. (O. 4, r. 2.)

COURT of the of at

REGISTER OF CIVIL SUITS in the year 19 .

Date of presentation of plaint.	No. of suit.	Plaintiff.			Defendant.			Claim.			Appearance.			Judgment.			Appeal.		Execution.					Return of Execution.		
		Name.	Description.	Place of residence.	Name.	Description.	Place of residence.	Particulars.	Amount or value.	When the cause of action accrued.	Day for parties to appear.	Plaintiff.	Defendant.	Date.	For whom.	For what, or amount.	Date of decision of appeal.	Judgment in appeal.	Date of application.	Date of order.	Against whom.	For what, and amount if money.	Amount of costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and date of every Return.

NOTE.—Where there are numerous plaintiffs or numerous defendants, the name of the first plaintiff only, or the first defendant only, as the case may be, need be entered in the register

The Code of Civil Procedure 1908.

(The First Schedule.—Appendix H.—Miscellaneous.)

No. 15.

REGISTER OF APPEALS. (O. 41, r. 9.)

COURT (*OR* HIGH COURT) AT

REGISTER OF APPEALS FROM DECREES in the year 19 .

Date of memorandum.	No. of appeal.	Appellant.			Respondent.			Decree appealed from.				Appearance.			Judgment.		
		Name.	Description.	Place of residence.	Name.	Description.	Place of residence.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Day for parties to appear.	Appellant.	Respondent.	Date.	Confirmed, reversed or varied.	For what or amount.

The Code of Civil Procedure, 1908.
(The Second Schedule.—Arbitration.)

The Second Schedule.

ARBITRATION.

Arbitration in Suits.

Parties to suit may apply for order of reference.

1. (*1*) Where in any suit all the parties interested agree that any matter in difference between them shall be referred to arbitration, they may, at any time before judgment is pronounced, apply to the Court for an order of reference.

(*2*) Every such application shall be in writing and shall state the matter sought to be referred.

Appointment of arbitrator.

2. The arbitrator shall be appointed in such manner as may be agreed upon between the parties.

Order of reference.

3. (*1*) The Court shall, by order, refer to the arbitrator the matter in difference which he is required to determine, and shall fix such time as it thinks reasonable for the making of the award, and shall specify such time in the order.

(*2*) Where a matter is referred to arbitration, the Court shall not, save in the manner and to the extent provided in this schedule, deal with such matter in the same suit.

Where reference is to two or more, order to provide for difference of opinion.

4. (*1*) Where the reference is to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators—

(*a*) by the appointment of an umpire; or

(*b*) by declaring that, if the majority of the arbitrators agree, the decision of the majority shall prevail; or

(*c*) by empowering the arbitrators to appoint an umpire; or

(*d*) otherwise as may be agreed between the parties or, if they cannot agree, as the Court may determine.

(*2*) Where an umpire is appointed, the Court shall fix such time as it thinks reasonable for the making of his award in case he is required to act.

Power of Court to appoint arbitrator in certain cases.

5. (*1*) In any of the following cases, namely:—

(*a*) where the parties cannot agree within a reasonable time with respect to the appointment of an arbitrator, or the person appointed refuses to accept the office of arbitrator, or

(*b*) where an arbitrator or umpire—

(*i*) dies, or

(*ii*) refuses or neglects to act or becomes incapable of acting, or

(*iii*) leaves British India in circumstances showing that he will probably not return at an early date, or

(*c*) where the arbitrators are empowered by the order of reference to appoint an umpire and fail to do so,

any party may serve the other party or the arbitrators, as the case may be, with a written notice to appoint an arbitrator or umpire.

(*2*) If, within seven clear days after such notice has been served or such further time as the Court may in each case allow, no arbitrator or no umpire is appointed, as the case may be, the Court may, on application by the party who gave the notice, and after giving the other party an opportunity of being heard, appoint an arbitrator or umpire or make an order superseding the arbitration, and in such case shall proceed with the suit.

Powers of arbitrator or umpire appointed under paragraph 4 or 5.

6. Every arbitrator or umpire appointed under paragraph 4 or paragraph 5 shall have the like powers as if his name had been inserted in the order of reference.

Summoning witnesses and default.

7. (*1*) The Court shall issue the same processes to the parties and witness whom the arbitrator or umpire desires to examine, as the Court may issue in suits tried before it.

(*2*) Persons not attending in accordance with such process, or making any other default, or refusing to give their evidence, or guilty of any contempt to the arbitrator or umpire during the investigation of the matters referred, shall be subject to the like disadvantages, penalties and punishments, by order of the Court on the representation of the arbitrator or umpire, as they would incur for the like offences in suits tried before the Court.

Extension of time for making award.

8. Where the arbitrators or the umpire cannot complete the award within the period specified in the order, the Court may, if it thinks fit, either allow further time, and from time to time, either before or after the expiration of the period fixed for the making of the award, enlarge such period; or may make an order superseding the arbitration, and in such case shall proceed with the suit.

Where umpire may arbitrate in lieu of arbitrators.

9. Where an umpire has been appointed, he may enter on the reference in the place of the arbitrators,—

(*a*) if they have allowed the appointed time to expire without making an award, or

(*b*) if they have delivered to the Court or to the umpire a notice in writing stating that they cannot agree.

Award to be signed and filed.

10. Where an award in a suit has been made, the persons who made it shall sign it and cause it to be filed in Court, together with any depositions and documents which have been taken and proved before them; and notice of the filing shall be given to the parties.

Statement of special case by arbitrators or umpire.

11. Upon any reference by an order of the Court, the arbitrator or umpire may, with the leave of the Court, state the award as to the whole or any part thereof in the form of a special case for the opinion of

The Code of Çivil Procedure, 1908.

(The Second Schedule.—Arbitration.)

the Court, and the Court shall deliver its opinion thereon, and shall order such opinion to be added to and to form part of the award.

Power to modify or correct award.

12. The Court may, by order, modify or correct an award,—

(a) where it appears that a part of the award is upon a matter not referred to arbitration and such part can be separated from the other part and does not affect the decision on the matter referred; or

(b) where the award is imperfect in form, or contains any obvious error which can be amended without affecting such decision; or

(c) where the award contains a clerical mistake or an error arising from an accidental slip or omission.

Order as to costs of arbitration.

13. The Court may also make such order as it thinks fit respecting the costs of the arbitration where any question arises respecting such costs and the award contains no sufficient provision concerning them.

Where award or matter referred to arbitration may be remitted.

14. The Court may remit the award or any matter referred to arbitration to the re-consideration of the same arbitrator or umpire, upon such terms as it thinks fit,—

(a) where the award has left undetermined any of the matters referred to arbitration, or where it determines any matter not referred to arbitration, unless such matter can be separated without affecting the determination of the matters referred;

(b) where the award is so indefinite as to be incapable of execution;

(c) where an objection to the legality of the award is apparent upon the face of it.

Grounds for setting aside award.

15. (1) An award remitted under paragraph 14 becomes void on failure of the arbitrator or umpire to re-consider it. But no award shall be set aside except on one of the following grounds, namely:—

(a) corruption or misconduct of the arbitrator or umpire;

(b) either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the arbitrator or umpire;

(c) the award having been made after the issue of an order by the Court superseding the arbitration and proceeding with the suit or after the expiration of the period allowed by the Court, or being otherwise invalid.

(2) Where an award becomes void or is set aside under clause (1), the Court shall make an order superseding the arbitration and in such case shall proceed with the suit.

Judgment to be according to award.

16. (1) Where the Court sees no cause to remit the award or any of the matters referred to arbitration for re-consideration in manner aforesaid, and no application has been made to set aside the award, or the Court has refused such application, the Court shall, after the time for making such application has expired, proceed to pronounce judgment according to the award.

(2) Upon the judgment so pronounced a decree shall follow, and no appeal shall lie from such decree except in so far as the decree is in excess of, or not in accordance with, the award.

Order of reference on agreements to refer.

Application to file in Court agreement to refer to arbitration.

17. (1) Where any persons agree in writing that any difference between them shall be referred to arbitration, the parties to the agreement, or any of them, may apply to any Court having jurisdiction in the matter to which the agreement relates, that the agreement be filed in Court.

(2) The application shall be in writing and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant, if the application has been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

(3) On such application being made, the Court shall direct notice thereof to be given to all the parties to the agreement, other than the applicants, requiring such parties to show cause, within the time specified in the notice, why the agreement should not be filed.

(4) Where no sufficient cause is shown, the Court shall order the agreement to be filed, and shall make an order of reference to the arbitrator appointed in accordance with the provisions of the agreement or, if there is no such provision and the parties cannot agree, the Court may appoint an arbitrator.

Stay of suit where there is an agreement to refer to arbitration.

18. Where any party to any agreement to refer to arbitration, or any person claiming under him, institutes any suit against any other party to the agreement, or any person claiming under him, in respect of any matter agreed to be referred, any party to such suit may, at the earliest possible opportunity and in all cases where issues are settled at or before such settlement, apply to the Court to stay the suit; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the agreement to refer to arbitration, and that the applicant was, at the time when the suit was instituted and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the suit.

Provisions applicable to proceedings under paragraph 17.

19. The foregoing provisions, so far as they are consistent with any agreement filed under paragraph 17, shall be applicable to all proceedings under the order of reference made by the Court under that paragraph, and to the award and to the decree following thereon.

Arbitration without the intervention of a Court.

Filing award in matter referred to arbitration without intervention of Court.

20. (1) Where any matter has been referred to arbitration without the intervention of a Court, and an award has been made thereon, any person interested in the award may apply to any Court having jurisdiction over the subject-matter of the award that the award be filed in Court.

The Code of Civil Procedure, 1908.

(The Second Schedule.—Arbitration.)

(2) The application shall be in writing and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

(3) The Court shall direct notice to be given to the parties to the arbitration, other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

Filing and enforcement of such award.

21. (1) Where the Court is satisfied that the matter has been referred to arbitration and that an award has been made thereon and where no ground such as is mentioned or referred to in paragraph 14 or paragraph 15 is proved, the Court shall order the award to be filed and shall proceed to pronounce judgment according the award.

(2) Upon the judgment so pronounced a decree shall follow, and no appeal shall lie from such decree except in so far as the decree is in excess of or not in accordance with the award.

Exclusion of certain words in the Specific Relief Act, 1877.

22. The last thirty-seven words of section 21 of the Specific Relief Act, 1877, shall not apply to any agreement to refer to arbitration, or to any award, to which the provisions of this schedule apply. I of 1877.

Forms.

23. The forms set forth in the Appendix, with such variations as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

APPENDIX.

No. 1.

APPLICATION FOR AN ORDER OF REFERENCE.

(Title of suit.)

1. This suit is instituted for *(state nature of claim)*.

2. The matter in difference between the parties is *(state matter of difference)*.

3. The applicants being all the parties interested have agreed that the matter in difference between them shall be referred to arbitration.

4. The applicants therefore apply for an order of reference.

A. B.

C. D.

Dated the day of 19 .

NOTE.—If the parties are agreed as to the arbitrators it should be so stated.

No. 2.

ORDER OF REFERENCE.

(Title of suit.)

Upon reading the application presented on the day of 19 it is ordered that the following matter in difference arising in this suit, namely :— ____________

____

____

be referred for determination to X and Y, or in case of their not agreeing then to the determination of Z, who is hereby appointed to be umpire ; and such arbitrators are to make their award in writing on or before the day of 19 , and in case of the said arbitrators not agreeing in an award the said umpire is to make his award in writing within months after the time during which it is within the power of the arbitrators to make an award shall have ceased.

Liberty to apply.

Given under my hand and the seal of the Court, this day of 19 .

Judge.

No. 3.

ORDER FOR APPOINTMENT OF NEW ARBITRATOR.

(Title of suit.)

Whereas by an order, dated the day of 19 [*state order of reference and death, refusal, etc., of arbitrator*], it is by consent ordered that Z be appointed in the place of X

The Code of Civil Procedure, 1908.

(The Second Schedule.—Arbitration.)

deceased, or as the case may be) to act as arbitrator with Y, the surviving arbitrator, under the said order; and it is ordered that the award of the said arbitrators be made on or before the day of 19 .

Given under my hand and the seal of the Court, this day of 19 .

Judge.

No. 4.

SPECIAL CASE.

Title of suit.)

In the matter of an arbitration between A. B. of and C. D. of , the following special case is stated for the opinion of the Court :—

[*Here state the facts concisely in numbered paragraphs.*]

The questions of law for the opinion of the Court are :—

First, whether ________________

Secondly, whether ________________

X.
Y.

Dated the day of 19 .

No. 5.

AWARD.

(*Title of suit.*)

In the matter of an arbitration between A. B. of and C. D. of :—

WHEREAS in pursuance of an order of reference made by the Court of and dated the day of 19 the following matter in difference between A. B. and C. D., namely, ________________

has been referred to us for determination;

Now we, having duly considered the matter referred to us, do hereby make our award as follows :—

We award—

(1) that ________________

(2) that ________________

Dated the day of 19 .

X.
Y.

The Code of Civil Procedure, 1908.

(The Third Schedule.—Execution of Decrees by Collectors.)

The Third Schedule

EXECUTION OF DECREES BY COLLECTORS.

Powers of Collector.

1. Where the execution of a decree has been transferred to the Collector under section 68, he may—

(*a*) proceed as the Court would proceed when the sale of immoveable property is postponed in order to enable the judgment-debtor to raise the amount of the decree; or

(*b*) raise the amount of the decree by letting in perpetuity, or for a term, on payment of a premium, or by mortgaging, the whole or any part of the property ordered to be sold; or

(*c*) sell the property ordered to be sold or so much thereof as may be necessary.

Procedure of Collector in special cases.

2. Where the execution of a decree, not being a decree ordering the sale of immoveable property in pursuance of a contract specifically affecting the same, but being a decree for the payment of money in satisfaction of which the Court has ordered the sale of immoveable property, has been so transferred, the Collector, if, after such inquiry as he thinks necessary, he has reason to believe that all the liabilities of the judgment-debtor can be discharged without a sale of the whole of his available immoveable property, may proceed as hereinafter provided.

Notice to be given to decree-holders and to persons having claims on property.

3. (*1*) In any such case as is referred to in paragraph 2, the Collector shall publish a notice, allowing a period of sixty days from the date of its publication for compliance and calling upon—

(*a*) every person holding a decree for the payment of money against the judgment-debtor capable of execution by sale of his immoveable property and which such decree-holder desires to have so executed, and every holder of a decree for the payment of money in execution of which proceedings for the sale of such property are pending, to produce before the Collector a copy of the decree, and a certificate from the Court which passed or is executing the same, declaring the amount recoverable thereunder;

(*b*) every person having any claim on the said property to submit to the Collector a statement of such claim, and to produce the documents (if any) by which it is evidenced.

(*2*) Such notice shall be published by being affixed on a conspicuous part of the court-house of the Court which made the original order for sale, and in such other places (if any) as the Collector thinks fit; and where the address of any such decree-holder or claimant is known, a copy of the notice shall be sent to him by post or otherwise.

Amount of decrees for payment of money to be ascertained, and immoveable property available for their satisfaction.

4. (*1*) Upon the expiration of the said period, the Collector shall appoint a day for hearing any representations which the judgment-debtor and the decree-holders or claimants (if any) may desire to make and for holding such inquiry as he may deem necessary for informing himself as to the nature and extent of such decrees and claims and of the judgment-debtor's immoveable property, and may, from time to time, adjourn such hearing and inquiry.

(*2*) Where there is no dispute as to the fact or extent of the liability of the judgment-debtor to any of the decrees or claims of which the Collector is informed, or as to the relative priorities of such decrees or claims, or as to the liability of any such property for the satisfaction of such decrees or claims, the Collector shall draw up a statement, specifying the amount to be recovered for the discharge of such decrees, the order in which such decrees and claims are to be satisfied, and the immoveable property available for that purpose.

(*3*) Where any such dispute arises, the Collector shall refer the same, with a statement thereof and his own opinion thereon, to the Court which made the original order for sale, and shall, pending the reference, stay proceedings relating to the subject thereof. The Court shall dispose of the dispute if the matter thereof is within its jurisdiction, or transmit the case to a competent Court for disposal, and the final decision shall be communicated to the Collector, who shall then draw up a statement as above provided in accordance with such decision.

Where District Court may issue notices and hold inquiry.

5. The Collector may, instead of himself issuing the notices and holding the inquiry required by paragraphs 3 and 4, draw up a statement specifying the circumstances of the judgment-debtor and of his immoveable property so far as they are known to the Collector or appear in the records of his office, and forward such statement to the District Court; and such Court shall thereupon issue the notices, hold the inquiry and draw up the statement required by paragraphs 3 and 4 and transmit such statement to the Collector.

Effect of decision of Court as to dispute.

6. The decision by the Court of any dispute arising under paragraph 4 or paragraph 5 shall, as between the parties thereto, have the force of and be appealable as a decree.

Scheme for liquidation of decrees for payment of money.

7. (*1*) Where the amount to be recovered and the property available have been determined as provided in paragraph 4 or paragraph 5, the Collector may,—

(*a*) if it appears that the amount cannot be recovered without the sale of the whole of the property available, proceed to sell such property; or,

(*b*) if it appears that the amount with interest (if any) in accordance with the decree, and, when not decreed, with interest (if any) at such rate as he thinks reasonable, may be recovered without such sale, raise such amount and interest (notwithstanding the original order for sale) —

(*i*) by letting in perpetuity or for a term, on payment of a premium, the whole or any part of the said property; or

(*ii*) by mortgaging the whole or any part of such property; or

(*iii*) by selling part of such property; or

(*iv*) by letting on farm, or managing by himself or another, the whole or any part of such property for any term not exceeding twenty years from the date of the order of sale; or

(*v*) partly by one of such modes, and partly by another or others of such modes.

(*2*) For the purpose of managing the whole or any part of such property, the Collector may exercise all the powers of its owner.

The Code of Civil Procedure, 1908.

(The Third Schedule.—Execution of Decrees by Collectors.)

(3) For the purpose of improving the saleable value of the property available or any part thereof, or rendering it more suitable for letting or managing, or for preserving the property from sale in satisfaction of an incumbrance, the Collector may discharge the claim of any incumbrancer which has become payable or compound the claim of any incumbrancer whether it has become payable or not, and, for the purpose of providing funds to effect such discharge or composition, may mortgage, let or sell any portion of the property which he deems sufficient. If any dispute arises as to the amount due on any incumbrance with which the Collector proposes to deal under this clause, he may institute a suit in the proper Court, either in his own name or the name of the judgment-debtor, to have an account taken, or he may agree to refer such dispute to the decision of two arbitrators, one to be chosen by each party, or of an umpire to be named by such arbitrators.

(4) In proceeding under this paragraph the Collector shall be subject to such rules consistent with this Act as may, from time to time, be made in this behalf by the Local Government.

Recovery of balance (if any) after letting or management.

8. Where, on the expiration of the letting or management under paragraph 7, the amount to be recovered has not been realized, the Collector shall notify the fact in writing to the judgment-debtor or his representative in interest, stating at the same time that, if the balance necessary to make up the said amount is not paid to the Collector within six weeks from the date of such notice, he will proceed to sell the whole or a sufficient part of the said property; and, if on the expiration of the said six weeks the said balance is not so paid, the Collector shall sell such property or part accordingly.

Collector to render accounts to Court.

9. (1) The Collector shall, from time to time, render to the Court which made the original order for sale an account of all monies which come to his hands and of all charges incurred by him in the exercise and performance of the powers and duties conferred and imposed on him under the provisions of this schedule, and shall hold the balance at the disposal of the Court.

(2) Such charges shall include all debts and liabilities from time to time due to the Government in respect of the property or any part thereof, the rent (if any) from time to time due to a superior holder in respect of such property or part, and, if the Collector so directs, the expenses of any witnesses summoned by him.

(3) The balance shall be applied by the Court—

(a) in providing for the maintenance of such members of the judgment-debtor's family (if any) as are entitled to be maintained out of the income of the property, to such amount in the case of each member as the Court thinks fit; and,

(b) where the Collector has proceeded under paragraph 1, in satisfaction of the original decree in execution of which the Court ordered the sale of immoveable property, or otherwise as the Court may under section 73 direct; or

(c) where the Collector has proceeded under paragraph 2,—

(i) in keeping down the interest on incumbrances on the property;

(ii) where the judgment-debtor has no other sufficient means of subsistence, in providing for his subsistence to such amount as the Court thinks fit; and

(iii) in discharging rateably the claims of the original decree-holder and any other decree-holders who have complied with the said notice, and whose claims were included in the amount ordered to be recovered.

(4) No other holder of a decree for the payment of money shall be entitled to be paid out of such property or balance until the decree-holders who have obtained such order have been satisfied, and the residue (if any) shall be paid to the judgment-debtor or such other person as the Court directs.

Sales how to be conducted.

10. Where the Collector sells any property under this schedule, he shall put it up to public auction in one or more lots, as he thinks fit, and may—

(a) fix a reasonable reserved price for each lot;

(b) adjourn the sale for a reasonable time whenever, for reasons to be recorded, he deems the adjournment necessary for the purpose of obtaining a fair price for the property;

(c) buy in the property offered for sale, and re-sell the same by public auction or private contract, as he thinks fit.

Restrictions as to alienation by judgment-debtor or his representative, and prosecution of remedies by decree-holders.

11. (1) So long as the Collector can exercise or perform in respect of the judgment-debtor's immoveable property, or any part thereof, any of the powers or duties conferred or imposed on him by paragraphs 1 to 10, the judgment-debtor or his representative in interest shall be incompetent to mortgage, charge, lease or alienate such property or part except with the written permission of the Collector, nor shall any Civil Court issue any process against such property or part in execution of a decree for the payment of money.

(2) During the same period no Civil Court shall issue any process of execution either against the judgment-debtor or his property in respect of any decree for the satisfaction whereof provision has been made by the Collector under paragraph 7.

(3) The same period shall be excluded in calculating the period of limitation applicable to the execution of any decree affected by the provisions of this paragraph in respect of any remedy of which the decree-holder has been temporarily deprived.

Provision where property is in several districts.

12. Where the property of which the sale has been ordered is situate in more districts than one, the powers and duties conferred and imposed on the Collector by paragraphs 1 to 10 shall be exercised and performed by such one of the Collectors of the said districts as the Local Government may by general rule or special order direct.

Powers of Collector to compel attendance and production.

13. In exercising the powers conferred on him by paragraphs 1 to 10 the Collector shall have the powers of a Civil Court to compel the attendance of parties and witnesses and the production of documents.

The Code of Civil Procedure, 1908.
(*The Fourth Schedule.—Enactments amended.*)

The Fourth Schedule.

(*See section 155.*)

ENACTMENTS AMENDED.

1	2	3	4
Year.	No.	Short title.	Amendment.
1870	VII	The Court-fees Act, 1870 . .	In article 1 of Schedule I, after the word "plaint" the words "written statement pleading a set-off or counter-claim" and after the word "Act" the words "or of cross-objection" shall be inserted. From article 11 of Schedule II the words "from an order rejecting a plaint or" shall be omitted. For the entry in the first column of Schedule II relating to article 19 the following entry shall be substituted, namely:— "Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908."

The Code of Civil Procedure, 1908.
(*The Fifth Schedule.—Enactments repealed.*)

The Fifth Schedule.

(*See section 156.*)

ENACTMENTS REPEALED.

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
		Acts of the Governor General in Council.	
1870	VII	The Court-fees Act, 1870 .	Section 16, and article 15 of Schedule II.
1882	IV	The Transfer of Property Act 1882	Sections 85 to 90 inclusive, 92 to 94 inclusive, 96, 97, 99 and in section 100 the words "and all the provisions hereinbefore contained as to a mortgagee instituting a suit for the sale of the mortgaged property."
"	XIV	The Code of Civil Procedure .	The whole Act.
"	XV	The Presidency Small Cause Courts Act, 1882.	The last paragraph of section 3.
1888	VI	The Debtors Act, 1888 . .	Sections 2 to 8.
"	VII	The Civil Procedure Code Amendment Act, 1888.	So much as is unrepealed, except section 1, section 65 and section 66, sub-sections (*1*), (*3*) and (*4*).
"	X	The Presidency Small Cause Courts Law Amendment Act, 1888.	So much as is unrepealed.
1890	VIII	The Guardian and Wards Act, 1890.	Section 53.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act XIV of 1882 and Act VII of 1888.
1892	VI	The Indian Limitation Act and Civil Procedure Code Amendment Act, 1892.	In the title and preamble the words "and the Code of Civil Procedure" and sections 2, 3 and 4.
1894	V	The Civil Procedure Code Amendment Act, 1894.	The whole Act.
1895	VII	The Punjab Laws Act Amendment Act, 1895.	Sections 1 and 2.
"	XIII	The Civil Procedure Code Amendment Act, 1895.	The whole Act.
1900	VI	The Lower Burma Courts Act, 1900.	So much of the schedules as relate to Act XIV of 1882.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, APRIL 10, 1908.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th March, 1908:—

NO. 4 OF 1908.

THE PRESIDENCY-TOWNS INSOLVENCY BILL.

CONTENTS.

The Presidency-towns Insolvency Bill.

(Part I.—Constitution, Procedure and Powers of Court.)

[Except where otherwise indicated, the marginal references are to the Indian Insolvency Act of 1848 (11 & 12 Vict., c. 21).]

A Bill to amend the Law of Insolvency in the Presidency towns and the Town of Rangoon.

WHEREAS it is expedient to amend the law relating to insolvency in the Presidency-towns and the town of Rangoon; It is hereby enacted as follows:—

PRELIMINARY.

Short title and commencement.

1. (1) This Act may be called the Presidency-towns Insolvency Act, 190 .

(2) It shall come into force on the first day of , 190 .

Definitions. [46 & 47 Vict., c. 52, s. 168: Act III, 1907, s. 2.]

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "available act of insolvency" means any act of insolvency available for an insolvency petition at the date of the presentation of the petition on which the order of adjudication is made:

(b) "creditor" includes a decree-holder, "debt" includes a judgment-debt, and "debtor" includes a judgment-debtor:

(c) "prescribed" means prescribed by rules:

(d) "property" includes any property over which or the profits of which any person has a disposing power which he may exercise for his own benefit:

(e) "rules" means rules made under this Act:

(f) "secured creditor" includes a landlord who under any enactment for the time being in force has a charge on land for the rent of that land: and

(g) "the Court" means the Court exercising jurisdiction under this Act.

PART I.

CONSTITUTION, PROCEDURE AND POWERS OF COURT.

Jurisdiction.

Courts having jurisdiction in insolvency. [46 & 47 Vict., c. 52, s. 92.]

3. (1) The Courts having jurisdiction in insolvency under this Act shall be—

(a) the High Courts of Judicature at Fort William, Madras and Bombay; and

(b) the Chief Court of Lower Burma.

(2) For the purposes of this Act, the local limits of the jurisdiction of each of the said Courts shall be the local limits for the time being of its ordinary original civil jurisdiction.

Jurisdiction to be exercised by a single Judge. [S. 3 & 4; 47 Vict., c. 52, s. 94 (?)]

4. All matters in respect of which jurisdiction is given by this Act shall be ordinarily transacted and disposed of by or under the direction of one of the Judges of the Court, and the Chief Justice or Chief Judge shall, from time to time, assign a Judge for that purpose.

Exercise of jurisdiction in chambers. [46 & 47 Vict., c. 52, s. 98.]

5. Subject to the provisions of this Act and of rules, the Judge of a Court exercising jurisdiction in insolvency may exercise in chambers the whole or any part of his jurisdiction.

Delegation of powers to officers of Court. [46 & 47 Vict., c. 52, s. 99.]

6. (1) The Court may, from time to time, direct that, in any matters in respect of which jurisdiction is given to the Court by this Act, an officer of the Court appointed by it in this behalf shall have all or any of the powers in this section mentioned; and any order made or act done by such officer in the exercise of the said powers shall be deemed the order or act of the Court.

(2) The powers referred to in sub-section (1) are the following, namely:—

(a) to hear insolvency petitions, and to make orders of adjudication thereon;

(b) to hold the examination of debtors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make *interim* orders in any case of urgency;

(f) to make any order or exercise any jurisdiction which by any rule in that behalf is prescribed as proper to be made or exercised in chambers;

(g) to hear and determine any unopposed or *ex parte* application;

(h) to summon and examine any person known or suspected to have in his possession effects of the debtor, or to be indebted to him, or to be capable of giving information respecting the debtor, his dealings or property.

General powers of Insolvency Courts. [46 & 47 Vict., c. 52, s. 102.]

7. (1) So far as may be necessary for the exercise of jurisdiction under this Act, the Court shall have the same powers as it has in the exercise of original civil jurisdiction.

(2) Subject to the provisions of this Act, the Court shall have full power to decide all questions of priorities, and all other questions whatsoever, whether of law or fact, which may arise in any case of insolvency coming within the cognizance of the Court, or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

The Presidency-towns Insolvency Bill.

(Part I.—Constitution, Procedure and Powers of Court. Part II.—Proceedings from Act of Insolvency to Discharge.)

(3) Where default is made by a debtor or other person in obeying any order or direction given by the Court or by an official assignee or any other officer of the Court under any power conferred by this Act, the Court may, on the application of the official assignee or other duly authorized person, or of its own motion, order the defaulting debtor or other person to comply with the order or direction so given; and the Court may also, if it thinks fit, upon any such application, make an immediate order for the committal of the defaulting debtor or other person to prison :

Provided that the power given by this sub-section shall be deemed to be in addition to, and not in substitution for, any other right or remedy in respect of the default.

Appeals.

[& 47 ... c. 52, s.] Appeals in insolvency. 8. (1) The Court may review, rescind or vary any order made by it under its insolvency jurisdiction.

(2) Orders in insolvency matters shall, at the instance of any person aggrieved, be subject to appeal as follows :—

(a) an appeal from an order made by an officer of the Court empowered under section 6 shall lie to the Judge assigned under section 4 for the transaction and disposal of matters in insolvency ;

(b) an appeal from an original order made by a single Judge or Bench consisting of more Judges than one shall lie in the same way and be subject to the same provisions as appeals from orders passed by a single Judge or Bench in exercise of the original civil jurisdiction of the Court.

PART II.

PROCEEDINGS FROM ACT OF INSOLVENCY TO DISCHARGE.

Acts of insolvency.

[& 47 ... c. 52, ... I, 1907,] Acts of insolvency. 9. A debtor commits an act of insolvency in each of the following cases, namely :—

(a) if, in British India or elsewhere, he makes a transfer of his property to a third person for the benefit of his creditors generally ;

(b) if, in British India or elsewhere, he makes a transfer of his property or of any part thereof with intent to defeat or delay his creditors ;

(c) if, in British India or elsewhere, he makes any transfer of his property or of any part thereof, or of any interest therein, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent ;

(d) if, with intent, to defeat or delay his creditors,—

(i) he departs or remains out of British India,

(ii) he departs from his dwelling-house or usual place of business or otherwise absents himself,

(iii) he secludes himself so as to deprive his creditors of the means of communicating with him ;

(e) if any of his property has been attached in execution of the decree of any Court for the payment of money ;

(f) if he petitions to be adjudged an insolvent ;

(g) if he gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts ;

(h) if he is imprisoned in execution of the decree of any Court for the payment of money.

Explanation.—For the purposes of this section, the act of an agent may be the act of the principal.

Order of adjudication.

Power to adjudicate. 10. Subject to the conditions specified in this Act, if a debtor commits an act of insolvency, an insolvency petition may be presented either by a creditor or by the debtor, and the Court may on such petition make an order (hereinafter called an order of adjudication) adjudging him an insolvent. [46 & 47 Vict., c. 52, s. 5; Act III, 1907 s. 5.]

Explanation.—The presentation of a petition by the debtor shall be deemed an act of insolvency within the meaning of this section, and on such petition the Court may make an order of adjudication.

Restrictions on jurisdiction. 11. The Court shall not have jurisdiction to make an order of adjudication, unless— [46 & 47 Vict., c. 52, s. 6 (1).]

(a) the debtor is, at the time of the presentation of the insolvency petition, in prison within the local limits of the jurisdiction of the Court in execution of the decree of a Court for the payment of money; or

(b) the debtor, or, if he is a member of a firm, his partner or one of his partners, has, within a year before the date of the presentation of the insolvency petition, ordinarily resided or had a dwelling-house or has carried on business either in person or through an agent within those limits.

The Presidency-towns Insolvency Bill.

(Part II.—Proceedings from Act of Insolvency to Discharge.)

[Ss. 8 and 9: cf. 46 & 47 Vict., c. 52, s. 6: Act III, 1907, s. 9 (4), 5].

Condition on which creditor may petition.

12. (*1*) A creditor shall not be entitled to present an insolvency petition against a debtor unless—

(*a*) the debt owing by the debtor to the creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to such creditors, amounts to five hundred rupees, and

[S. 10.]

(*b*) the debt is a liquidated sum payable either immediately or at some certain future time, and

(*c*) the act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition.

(*2*) If the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to relinquish his security for the benefit of the creditors in the event of the debtor being adjudged insolvent or give an estimate of the value of the security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same way as if he were an unsecured creditor.

[46 & 47 Vict., c. 52, s. 7: Act III, 1907, s. 14.]

Proceedings and order on creditor's petition.

13. (*1*) A creditor's petition shall be verified by affidavit of the creditor, or of some person on his behalf having knowledge of the facts, and be served in the prescribed manner.

(*2*) At the hearing the Court shall require proof of—

(*a*) the debt of the petitioning creditor,

(*b*) the act of insolvency or, if more than one act of insolvency is alleged in the petition, some one of the alleged acts of insolvency, and,

(*c*) if the debtor does not appear, the service of the petition;

and, if satisfied with the proof, may make an order of adjudication in pursuance of the petition.

(*3*) If the Court is not satisfied with the proof of the petitioning creditor's debt, or of the act of insolvency or of the service of the petition, or if satisfied by the debtor that he is able to pay his debts, or that for other sufficient cause no order ought to be made, the Court may dismiss the petition.

(*4*) Where the debtor appears on the petition and denies that he is indebted to the petitioner, or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him, the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against the debtor in due course of law, and of the costs of establishing the debt may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

(*5*) Where proceedings are stayed, the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make an order of adjudication on the petition of some other creditor, and shall thereupon dismiss, on such terms as it thinks just, the petition on which proceedings have been stayed as aforesaid.

(*6*) A creditor's petition shall not, after presentment, be withdrawn without the leave of the Court.

Conditions on which debtor may petition.

14. A debtor shall not be entitled to present an insolvency petition unless— [Act III, 1907, s. 6 (1).]

(*a*) his debts amount to five hundred rupees, or

(*b*) he has been arrested and imprisoned in execution of the decree of any Court for the payment of money, or

(*c*) an order of attachment in execution of such a decree has been made and is subsisting against his property.

Proceedings and order on debtor's petition.

15. (*1*) A debtor's petition shall allege that the debtor is unable to pay his debts, and, if the debtor proves that he is entitled to present the petition, the Court shall thereupon make an order of adjudication. [S. 5; and 46 & 47 Vict., c. 52, s. 8.]

(*2*) If, in the opinion of the Court, the proceedings ought to have been taken before some other Court having jurisdiction under this Act or the Provincial Insolvency Act, 1907, the Court may, if it thinks fit, make an order of adjudication and transfer the proceedings to such other Court, and the order of adjudication shall thereupon have effect as if it had been made by such other Court. III of 1907.

(*3*) A debtor's petition shall not, after presentment, be withdrawn without the leave of the Court.

Effect of order of adjudication.

16. On the making of an order of adjudication, the property of the insolvent shall thereupon and thereby vest in the official assignee as from the date of the filing of the insolvency petition on which the order is made and shall become divisible among the creditors. The insolvent, if in prison for debt, shall be released, and thereafter, except as provided by this Act, no creditor to whom the insolvent is indebted in respect of any debt provable in insolvency, shall, during the pendency of the insolvency proceedings, have any remedy against the property or person of the insolvent in respect of the debt, or shall commence any suit or other legal proceeding, except with the leave of the Court and on such terms as the Court may impose: [Ss. 7 and 17 and 46 & 47 Vict., c. 52.]

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(*Part II.—Proceedings from Act of Insolvency to Discharge.*)

Provided that this section shall not affect the power of any secured creditor to realise or otherwise deal with his security in the same manner as he would have been entitled to realise or deal with it if this section had not been passed.

[S. 13; and 46 & 47 Vict., c. 52, s. 10.]

Discretionary powers as to appointment of interim receiver and stay of proceed.

17. (*1*) The Court may, if it is shown to be necessary for the protection of the estate, at any time after the presentation of an insolvency petition and before an order of adjudication is made, appoint the official assignee to be *interim* receiver of the property of the debtor, or of any part thereof, and direct him to take immediate possession thereof or any part thereof, and the official assignee shall thereupon have such of the powers conferable on a receiver appointed under the Code of Civil Procedure, 1908, as may be prescribed.

V of 1908.

[Cf. s. 19.]

(*2*) The Court may, at any time after the presentation of an insolvency petition, stay any suit or other proceeding pending before any Judge or Judges of the Court or in any other Court in British India against the property or person of the debtor, and any Court in which proceedings are pending against a debtor may, on proof that an insolvency petition has been presented under this Act by or against a debtor, either stay proceedings or allow them to continue on such terms as it may think just.

[46 & 47 Vict., c. 52, s. 11.]

Service of order staying proceedings.

18. Where the Court makes an order staying any suit or other legal proceeding, or staying proceedings generally, the order may be served by sending a copy thereof, under the seal of the Court, by registered post to the Court before which the proceeding is pending.

[46 & 47 Vict., c. 52, s. 12.]

Power to appoint special manager.

19. (*1*) If in any case the Court, having regard to the nature of the debtor's estate or business or to the interests of the creditors generally, is of opinion that a special manager of the estate or business other than the official assignee ought to be appointed, the Court may appoint a manager thereof accordingly to act for such time as the Court may authorize, and to have such powers of the official assignee himself as may be entrusted to him by the official assignee or as the Court may direct.

(*2*) The debtor may be appointed special manager.

(*3*) The special manager shall give security and furnish accounts in such manner as the official assignee, subject to the control of the Court, may direct, and shall receive such remuneration as the official assignee may, within limits prescribed and subject to that control, determine.

[46 & 47 Vict., c. 52, s. 20.]

Advertisement of order of adjudication.

20. Notice of every order of adjudication, stating the name, address and description of the insolvent, the date of the adjudication, the Court by which the adjudication is made and the date of the petition, shall be published in the Gazette of India and in such other manner as may be prescribed, and the date of the order shall, for the purposes of this Act, be the date of the adjudication.

Annulment of adjudication.

Power for Court to annul adjudication in certain cases.

21. (*1*) Where, in the opinion of the Court, a debtor oughtnot to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent are paid in full, or where in some part of British India, or of His Majesty's dominions elsewhere, beyond the local limits of the jurisdiction of the Court proceedings are pending for the distribution of the estate and effects of the insolvent among his creditors under this Act or under the Bankrupt or Insolvent Laws of that part of His Majesty's dominions, and it appears to the Court that the distribution ought to take place in that part of British India or of His Majesty's dominions elsewhere, the Court may, on the application of any person interested, by order, annul the adjudication. [Cf. Ss. 8 and 9: and 46 & 47 Vict., c. 52.]

(*2*) Where an adjudication is annulled under this section, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the official assignee or other person acting under his authority, or by the Court, shall be valid, but the property of the debtor who was adjudged insolvent shall vest in such person as the Court may appoint, or, in default of any such appointment, shall revert the debtor to the extent of his right or interest therein on such terms and subject to such conditions (if any) as the Court may declare by order. [Ss. 7 and 11.]

(*3*) Where a debtor has been released from custody under the provisions of this Act on the making of an order of adjudication and the said order is annulled as aforesaid, it shall be lawful for the Court, if it so thinks fit, to recommit the debtor to his former custody, and the jailor or keeper of the prison to whose custody such debtor shall be so recommitted is hereby required to receive such debtor into his custody according to such recommitment, and thereupon all detainers which were in force against such debtor at the time of such release as aforesaid shall be deemed to be still in force against him as if such order has not been made.

(*4*) Notice of the order annulling an adjudication shall be published in the Gazette of India and in such other manner as may be prescribed.

(*5*) For the purposes of this section, any debt disputed by a debtor shall be considered as paid in full, if the debtor enters into a bond, in such sum and with such sureties as the Court approves, to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court. [46 & 47 Vict., c. 52, s. 36.]

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(Part II.—Proceedings from Act of Insolvency to Discharge.)

Proceedings consequent on order of adjudication.

[Ss. 6 and 12; and 46 & 47 Vict., c. 52, s. 16.]

Insolvent's schedule.

22. (*1*) When an order of adjudication is made against a debtor, he shall prepare and submit to the official assignee a schedule of and in relation to his affairs in the prescribed form, verified by affidavit, and showing the particulars of the insolvent's assets, debts and liabilities, the names, residences and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official assignee may require.

(*2*) The schedule shall be so submitted within the following times, namely :—

(i) if the order is made on the petition of the debtor, within seven days from the date of the order,

(ii) if the order is made on the petition of a creditor, within fourteen days from the date of the order.

(*3*) If the insolvent fails, without reasonable excuse, to comply with the requirements of this section, the Court may, on the application of the official assignee or of any creditor, make an order for his commital to prison.

(*4*) If the insolvent fails to prepare and submit any such schedule as aforesaid, the official assignee may, at the expense of the estate, cause such a schedule to be prepared in manner prescribed.

[46 & 47 Vict. c. 52, s. 15.]

First meeting of creditors.

23. As soon as may be after the making of an adjudication order against an insolvent, a general meeting of his creditors (in this Act referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or a scheme of arrangement shall be entertained and to consider the circumstances of the insolvency and the insolvent's statement of affairs and his explanation thereof, and generally as to the mode of dealing with the property of the insolvent.

[46 & 47 Vict., c. 52, s 17.]

Public examination of the insolvent.

24. (*1*) Where the Court makes an order of adjudication it shall hold a public sitting on a day to be appointed by the Court of which notice shall be given to creditors in the prescribed manner for the examination of the insolvent, and the insolvent shall attend thereat, and shall be examined as to his conduct, dealings and property.

(*2*) The examination shall be held as soon as conveniently may be after the expiration of the time for the filing of the insolvent's schedule.

(*3*) The Court may adjourn the examination from time to time.

(*4*) Any creditor who has tendered a proof or his representative authorised in writing may question the insolvent concerning his affairs and the causes of his failure.

(*5*) The official assignee shall take part in the examination of the insolvent; and for the purpose thereof, subject to such directions as the Court may give, may employ a solicitor or attorney with or without counsel.

(*6*) The Court may put such questions to the insolvent as it may think expedient.

(*7*) The insolvent shall be examined upon oath, and it shall be his duty to answer all such questions as the Court may put or allow to be put to him. Such notes of the examination as the Court thinks proper shall be taken down in writing and shall be read over either to or by the insolvent and signed by him, and may thereafter be used in evidence against him and shall be open to the inspection of any creditor at all reasonable times. [53 & 54 Vict. c. 71, s. 1 (1).]

(*8*) When the Court is of opinion that the affairs of the insolvent have been sufficiently investigated, it shall, by order, declare that his examination is concluded, but such order shall not be made until after the day appointed for the first meeting of the creditors, and shall not preclude the Court from directing further examination of the insolvent whenever it may deem fit to do so.

(*9*) Where the insolvent is a lunatic or suffers from any such mental or physical affliction or disability as in the opinion of the Court makes him unfit to attend his public examination, the Court may make an order dispensing with such examination, or directing that the insolvent be examined on such terms, in such manner, and at such place as to the Court seems expedient. [53 & 54 Vict. c. 71, s. 1 (2).]

Composition and schemes of arrangement.

Composition and schemes of arrangement.

25. (*1*) An insolvent may at any time after the making of an order of adjudication submit a proposal for a composition in satisfaction of his debts or a proposal for a scheme of arrangement of his affairs in the prescribed form, and such proposal shall be submitted by the official assignee to a meeting of creditors.

(*2*) The official assignee shall send to each creditor who is mentioned in the schedule or who has tendered a proof before the meeting a copy of the insolvent's proposals with a report thereon, and if on the consideration of such proposal the majority in number and three-fourths in value of all the creditors whose debts are proved resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors.

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Part II.—Proceedings from Act of Insolvency to Discharge.)

(3) The insolvent may at the meeting amend the terms of his proposal if the amendment is in the opinion of the Court calculated to benefit the general body of creditors.

(4) The insolvent or the official assignee may after the proposal is accepted by the creditors apply to the Court to approve it, and notice of the time appointed for hearing the application shall be given to each creditor who has proved.

(5) The application shall not be heard until after the conclusion of the public examination of the debtor. Any creditor who has proved may be heard by the Court in opposition to the application notwithstanding that he may at a meeting of creditors have voted for the acceptance of the proposal.

(6) The Court shall before approving the proposal hear a report of the official assignee as to the terms thereof and as to the conduct of the debtor and any objections which may be made by or on behalf of any creditor.

(7) Whenever the Court is of opinion that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors or in any case in which the Court is required to refuse the insolvent's discharge, the Court shall refuse to approve the proposal.

(8) If any facts are proved on proof of which the Court would be required either to refuse, suspend or attach conditions to the debtor's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than six annas in the rupee on all the unsecured debts provable against the debtor's estate.

(9) In any other case the Court may either approve or refuse to approve the proposal.

(10) If the Court approves the proposal, the terms shall be embodied in an order of the Court, the order of adjudication (if any) shall be annulled, and the composition or scheme shall be binding on all the creditors so far as relates to any debts due to them from the insolvent and provable in insolvency.

(11) If default is made in the payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, adjudge the debtor insolvent and annul the composition or scheme, but without prejudice to the validity of any transfer or payment duly made or of anything duly done under or in pursuance of the composition or scheme. When a debtor is adjudged insolvent under this sub-section, all debts provable in other respects which have been contracted before the date of such adjudication shall be provable in the insolvency.

(12) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent.

Limitation of effect of composition or scheme.

26. Notwithstanding the acceptance and approval of a composition or scheme, the composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which, under the provisions of this Act, the insolvent would not be discharged by an order of discharge in insolvency, unless the creditor assents to the composition or scheme. [46 & 47 Vict., c. 52, s. 19]

Control over person and property of insolvent.

Duties of insolvent as to discovery and realisation of property.

27. (1) Every insolvent shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors and any other meeting which the official assignee may require him to attend, and shall submit to such examination and give such information as the meeting may require. [46 & 47 Vict., c. 52, s. 24.]

(2) The insolvent shall give such inventory of his property, such list of his creditors and debtors, and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, wait at such times and places on the official assignee or special manager, execute such powers-of-attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors, as may be reasonably required by the official assignee or special manager or may be prescribed or be directed by the Court by any special order or orders made in reference to any particular case, or made on the occasion of any special application by the official assignee or special manager, or any creditor or person interested.

(3) The insolvent shall aid, to the utmost of his power, in the realisation of his property and the distribution of the proceeds among his creditors.

(4) If the insolvent—

(a) wilfully makes false entries in the inventories or lists referred to in sub-section (1), or [Act III, 1907, s. 43 (2).]

(b) fraudulently or vexatiously conceals, destroys, transfers, removes or refuses to produce any property or books of account, or

(c) commits any other act of bad faith in the performance of the duties imposed on him by this section,

he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court, and may be punished accordingly.

Arrest of debtor under certain circumstances.

28. (1) The Court may, either of its own motion or at the instance of the official assignee or of any creditor, by warrant [46 & 47 Vict., c. 52, s. 25.]

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addressed to any police-officer or prescribed officer of the Court, cause a debtor to be arrested, or if in prison to be detained and any books, papers, money and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the Court may order, under the following circumstances:—

(*a*) if, after presentation of an insolvency petition by or against him, it appears to the Court that there is probable reason for believing that he has absconded or is about to abscond with a view of avoiding service of an insolvency petition or of avoiding appearance to any such petition, or of avoiding examination in respect of his affairs, or of otherwise avoiding, delaying or embarrassing proceedings in insolvency against him;

(*b*) if, after presentation of an insolvency petition by or against him, it appears to the Court that there is probable reason for believing that he is about to remove his property with a view of preventing or delaying possession being taken of it by the official assignee, or that there is probable reason for believing that he has concealed or is about to conceal or destroy any of his property or any books, documents or writings which might be of use to his creditors in the course of his bankruptcy;

(*c*) if, after service of an insolvency petition on him, he removes any property in his possession above the value of fifty rupees without the leave of the official assignee;

(*d*) if, without good cause shown, he fails to attend any examination ordered by the Court or to comply with the requirements of this Act or of any rules.

(2) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Act relating to fraudulent preferences.

[...6 & 47 Vict., c. 52, s. ...]

Redirection of insolvent's letters and telegrams.

29. Where an order of adjudication is made, the Court, on the application of the official assignee, may, from time to time, order that for such time, not exceeding three months, as the Court thinks fit, post letters addressed to the insolvent at any place or places mentioned in the order for re-direction shall be re-directed, or delivered by the Postal and Telegraph authorities in British India to the official assignee, or otherwise as the Court directs; and the same shall be done accordingly.

[...26: & 47 ..., c 52, s. ...]

Discovery of insolvent's property.

30. (*1*) The Court may, on the application of the official assignee or of any creditor who has proved his debt, at any time after an order of adjudication has been made, summon before it in such manner as may be prescribed the insolvent or any person known or suspected to have in his possession any property belonging to the insolvent, or supposed to be indebted to the insolvent, or any person whom the Court may deem capable of giving information respecting the insolvent, his dealings or property; and the Court may require any such person to produce any documents in his custody or power relating to the insolvent, his dealings or property.

(*2*) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed, or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may, by warrant, cause him to be apprehended and brought up for examination. [S. 36.]

(*3*) The Court may examine any person so brought before it concerning the insolvent, his dealings r roperty.

(*4*) If on the examination of any such person it appears to the Court that he is indebted to the insolvent, the Court may, on the application of the official assignee, order him to pay to the official assignee, at such time and in such manner as to the Court seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount or not, as the Court thinks fit, with or without costs of the examination.

(*5*) If, on the examination of any such person, it appears to the Court that he has in his possession any property belonging to the insolvent, the Court may, on the application of the official assignee, order him to deliver to the official assignee that property, or any part thereof, at such time, in such manner and on such terms as to the Court may seem just.

Discharge of insolvent.

Discharge of insolvent.

31. (*1*) An insolvent may, at any time after the order of adjudication, apply to the Court for an order of discharge, and the Court shall appoint a day for hearing the application, but the application shall not be heard until after the public examination of the insolvent has been concluded. The application shall be heard in open Court. [Ss. 47 & ... 61; and 53 54 Vict., ... 71, s. 8.]

(*2*) On the hearing of the application the Court shall take into consideration a report of the official assignee as to the insolvent's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the insolvent, or with respect to his after-acquired property:

Provided that the Court shall refuse the discharge in all cases where the insolvent has [Ss. 50 & ...

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committed any offence under this Act, or under sections 421 to 424 of the Indian Penal Code, [XLV of 1860.] and shall, on proof of any of the facts hereinafter mentioned, either refuse the order or suspend the operation of the order for a specified time, or grant an order of discharge subject to such conditions as aforesaid.

(3) The facts hereinbefore referred to are—

(a) that the insolvent's assets are not of a value equal to six annas in the rupee on the amount of his unsecured liabilities, or of such other value as may be prescribed, unless he satisfies the Court that the fact that the assets are not of such value has arisen from circumstances for which he cannot justly be held responsible;

(b) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency;

(c) that the insolvent has continued to trade after knowing himself to be insolvent;

(d) that the insolvent has contracted any debt provable under this Act without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it;

(e) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(f) that the insolvent has brought on or contributed to his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs;

(g) that the insolvent has within three months preceding the date of the presentation of the petition, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(h) that the insolvent has on any previous occasion been adjudged an insolvent or made a composition or arrangement with his creditors;

(i) that the insolvent has concealed or removed his property or any part thereof or has been guilty of any other fraud or fraudulent breach of trust.

(4) For the purposes of this section the report of the official assignee shall be deemed to be evidence, and the Court may presume the correctness of any statement contained therein.

(5) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent one month at least before the day so appointed to each creditor who has proved, and the Court may hear the official assignee and may also hear any creditor. At the hearing the Court may put such questions to the insolvent and receive such evidence as it may think fit.

(6) The Court may, in making an order of discharge, pass a decree against the insolvent in favour of the official assignee for any balance of the debts provable under the insolvency which is not satisfied at the date of his discharge; but in that case the decree shall not be executed without leave of the Court, which leave may be given on proof that the insolvent has since his discharge acquired property or income available for payment of his debts. [Ss. 85 & 86.]

(7) A discharged insolvent shall, notwithstanding his discharge, give such assistance as the official assignee may require in the realisation and distribution of such of his property as is vested in the official assignee, and, if he fails to do so, shall be guilty of a contempt of Court; and the Court may also, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition or payment duly made or thing duly done subsequent to the discharge, but before its revocation. [S. 58.]

(8) Where the Court refuses the discharge of the insolvent, it may, after such time and in such circumstances as may be authorised by general rules, permit him to renew his application for an order of discharge.

Fraudulent settlements.

32. In either of the following cases, that is to say:— [46 & 47 Vict., c. 52, s. 29.]

(1) in the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or

(2) in the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is adjudged insolvent or compounds or arranges with his creditors, and it appears to the Court that the settlement, covenant or contract was made in order to defeat or delay creditors, or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made, the Court

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may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the insolvent has been guilty of fraud.

[Ss. 48 & 62; 46 & 47 Vict., c. 52, s. 30: Act III, 1907, s. 45.]

Effect of order of discharge.

33. (1) An order of discharge shall not release the insolvent from—

(a) any debt due to the Crown;

(b) any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party; or

(c) any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party.

(2) Save as otherwise provided by sub-section (1), an order of discharge shall release the insolvent from all debts provable in insolvency.

[Ss. 48 & 61; 46 & 47 Vict., c. 52, s. 30.]

(3) An order of discharge shall be conclusive evidence of the insolvency, and of the validity of the proceedings therein; and in any proceedings that may be instituted against an insolvent who has obtained an order of discharge in respect of any debt from which he is released by the order, the insolvent may plead that the cause of action occurred before his discharge and may give this Act and the special matter in evidence.

[Ss. 59 & 60.]

(4) An order of discharge shall not release any person who at the date of the presentation of the petition was a partner or co-trustee with the insolvent or was jointly bound or had made any joint contract with him, or any person who was surety or in the nature of a surety for him.

PART III.

ADMINISTRATION OF PROPERTY.

Proof of debts.

[S. 4; 46 & 47 Vict., c. 52, s. 37: and Act III, 1907, s. 28.]

Debts provable in insolvency.

34. (1) Save as provided by sub-section (2), all debts and liabilities, present or future, certain or contingent, to which the debtor is subject when he is adjudged an insolvent or to which he may become subject before his discharge by reason of any obligation incurred before the date of such adjudication, shall be deemed to be debts provable in insolvency.

(2) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or breach of trust shall not be provable in insolvency.

[46 & 47 Vict., c. 52, s. 37.]

(3) An estimate shall be made by the official assignee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies, or for any other reason, does not bear a certain value.

(4) Any person aggrieved by any estimate made by the official assignee as aforesaid may appeal to the Court.

(5) If, in the opinion of the Court, the value of the debt or liability is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt or liability shall, for the purposes of this Act, be deemed to be a debt not provable in insolvency.

(6) If, in the opinion of the Court, the value of the debt or liability is capable of being fairly estimated, the Court may direct the value to be assessed before the Court itself, and may give all necessary directions for this purpose, and the amount of the value when assessed shall be deemed to be a debt provable in insolvency.

Mutual dealings and set-off.

35. Where there have been mutual dealings between an insolvent and a creditor proving or claiming to prove a debt under this Act, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively.

[46 & 47 Vict., c. 52, s. 38; Act III, 1907, s. 30.]

Rules as to proof of debts.

36. With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs, and the other matters referred to in the first schedule, the rules in that schedule shall be observed.

[46 & 47 Vict., c. 52, s. 39.]

Priority of debts.

37. (1) In the distribution of the property of the insolvent there shall be paid in priority to all other debts—

[51 & 52 Vict., c. 62, s. 1: Act III, 1907, s. 33.]

(a) all debts due to the Crown or to any local authority; and

(b) all salary or wages of any clerk, servant or labourer in respect of services rendered to the insolvent during six months before the date of the presentation of the petition, not exceeding five hundred rupees for each such clerk, servant or labourer. [S. 46.]

(2) The debts specified in sub-section (1) shall rank equally between themselves, and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3) Subject to the retention of such sums as may be necessary for the expenses of administration or otherwise, the debts specified in sub-section (1) shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them.

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(4) In the case of partners the partnership property shall be applicable in the first instance in payment of the partnership debts, and the separate property of each partner shall be applicable in the first instance in payment of his separate debts. Where there is a surplus of the separate property of the partners, it shall be dealt with as part of the partnership property; and where there is a surplus of the partnership property, it shall be dealt with as part of the respective separate property in proportion to the rights and interests of each partner in the partnership property

(5) Subject to the provisions of this Act, all debts proved in insolvency shall be paid rateably according to the amounts of such debts respectively and without any preference.

(6) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date on which the debtor is adjudged an insolvent at the rate of six per centum per annum on all debts proved in insolvency.

[S. 22; Cf. 46 & 47 Vict., c. 52, s. 42.]

Rent due before adjudication.

38. After an adjudication order has been made no distress for rent due before such order shall be made upon the goods and effects of the insolvent, but the landlord or party to whom the rent should be due shall be entitled to prove in respect of such rent so due as aforesaid and to receive a dividend in respect of the said rent and shall not, unless the petition of such insolvent be dismissed or the adjudication be reversed, be entitled to distrain for the said rent.

Property available for payment of debts.

[S. 7: Act III of 1907, s. 16 (5).]

Relation of assignee's title.

39. The insolvency of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor or creditors, shall be deemed to have relation back to and to commence at the date of the presentation of the petition on which the order of adjudication is made.

[46 & 47 Vict., c. 52, s. 44.]

Description of insolvent's property divisible amongst creditors.

40. (1) The property of the insolvent divisible amongst his creditors, and in this Act referred to as the property of the insolvent, shall not comprise such particulars (not being books of account) as are exempted by any enactment for the time being in force from liability to attachment and sale in execution of a decree.

(2) But it shall comprise the following particulars:—

[S. 7.]

(a) all such property as may belong to or be vested in the insolvent at the commencement of the insolvency or may be acquired by or devolve on him before his discharge;

(b) the capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the insolvent for his own benefit at the commencement of his insolvency or before his discharge; and

(c) all goods being at the commencement of the insolvency in the possession, order or disposition of the insolvent, in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof. [S. 23.]

Effect of insolvency on antecedent transactions.

Restriction of rights of creditor under execution.

41. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the official assignee, except in respect of assets realised in the course of the execution by sale or otherwise before the date of the presentation of the petition on which the order of adjudication is made. [Cf. Act XIV of 1882, s. 295; 46 & 47 Vict., c. 52, ss. 45 & 46: Act III, 1907, s. 34.]

(2) Nothing in this section shall affect the rights of a secured creditor in respect of property against which a decree is executed.

(3) A person who in good faith purchases the property of a debtor under a sale in execution, shall in all cases acquire a good title to it against the official assignee.

Duties of Court executing decree as to property taken in execution.

42. Where execution of a decree has issued against any property of a debtor which is saleable in execution, and before the sale thereof notice is given to the Court executing the decree that a petition has been presented against the debtor, the Court shall, on application, direct the property, if in the possession of the Court, to be delivered to the official assignee, but the costs of the execution shall be a first charge on the property so delivered, and the official assignee may sell the property or an adequate part thereof for the purpose of satisfying the charge. [53 & 54 Vict., c. 71, s. 11: Act III, 1907, s. 35.]

Avoidance of voluntary transfer.

43. Any transfer of property not being a transfer made before and in consideration of marriage, or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration, shall, if the transferor is adjudged insolvent within two years after the date of the transfer, be void against the receiver and may be annulled by the Court. [46 & 47 Vict., c. 52, s. 47: Act III, 1907, s. 36.]

Avoidance of preference in certain cases.

44. (1) Every transfer of property or of any interest therein, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, [S. 24: 46 & 47 Vict., c. 52, s. 48: Act III, 1907, s. 37(1).]

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with a view of giving that creditor a preference over the other creditors, shall, if such person is adjudged insolvent on a petition presented within three months after the date thereof, be deemed fraudulent and void as against the receiver and shall be annulled by the Court.

(2) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the insolvent.

[46 & 47 Vict., c. 52, s. 49: Act III, 1907, s. 38.]

Protection of *bona fide* transactions.

45. Subject to the foregoing provisions of this Act with respect to the effect of insolvency on an execution and with respect to the avoidance of certain transfers and preferences, nothing in this Act shall invalidate in the case of an insolvency—

(*a*) any payment by the insolvent to any of his creditors;

(*b*) any payment or delivery to the insolvent;

(*c*) any transfer by the insolvent for valuable consideration; or

(*d*) any contract or dealing by or with the insolvent for valuable consideration:

Provided that any such transaction takes place before the date of the presentment of the petition on which the order of adjudication is made and that the person with whom such transaction takes place has not at the time notice of any available act of insolvency committed by the insolvent.

Realization of property.

[S. 21; 46 & 47 Vict., c. 52, s. 50.]

Possession of property by official assignee.

46. (*1*) The official assignee shall, as soon as may be, take possession of the deeds, books and documents of the insolvent and all other parts of his property capable of manual delivery.

(*2*) The official assignee shall, in relation to and for the purpose of acquiring or retaining possession of the property of the insolvent, be in the same position as if he were a receiver of the property appointed under the Code of Civil Procedure, 1908, and shall have such of the powers conferable on a receiver under that Code as may be prescribed; and the Court may on his application enforce such acquisition or retention accordingly. V of 1908.

[S. 25.] (*3*) Where any part of the property of the insolvent consists of stock, shares in ships, shares or any other property transferable in the books of any company, office or person, the official assignee may exercise the right to transfer the property to the same extent as the insolvent might have exercised it if he had not become insolvent.

(*4*) Where any part of the property of the insolvent consists of things in action, such things shall be deemed to have been duly assigned to the official assignee.

(*5*) Any treasurer or other officer, or any banker, attorney or agent of an insolvent, shall pay and deliver to the official assignee all money and securities in his possession or power, as such officer, banker, attorney or agent, which he is not by law entitled to retain as against the insolvent or the official assignee. If he fails so to do, he shall be guilty of a contempt of Court, and shall be punishable accordingly on the application of the official assignee.

[46 & 47 Vict., c. 52, s. 51.]

Seizure of property of insolvent.

47. Any person acting under warrant of the Court may seize any part of the property of an insolvent in the custody or possession of the insolvent or of any other person, and with a view to such seizure may break open any house, building or room of the insolvent where the insolvent is supposed to be, or any building or receptacle of the insolvent where any of his property is supposed to be; and, where the Court is satisfied that there is reason to believe that property of the insolvent is concealed in a house or place not belonging to him, the Court may, if it thinks fit, grant a search-warrant to any police officer or officer of the Court, who may execute it according to its tenor.

[S. 27; 46 & 47 Vict., c. 52, s. 53.]

Appropriation of portion of pay or other income to creditors.

48. (*1*) Where an insolvent is an officer of the Army or Navy or of His Majesty's Royal Indian Marine Service, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the official assignee shall receive for distribution amongst the creditors so much of the insolvent's pay or salary as, subject to the provisions of section 60 of the Code of Civil Procedure, 1908, the Court may, by order under that Code, direct. V of 1908.

(*2*) Where an insolvent is in the receipt of a salary or income other than as aforesaid, the Court may, at any time after adjudication and from time to time, subject to the provisions of section 60 of the said Code and of the Pensions Act, 1871, make such order as it thinks just for the payment of the salary or income, or of any part thereof, to the official assignee, for distribution among the creditors. XXIII of 1871.

(*3*) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss an insolvent.

[Ss. 7 and 20; 46 & 47 Vict., c. 52, s. 54.]

Vesting and transfer of property.

49. The property of the insolvent shall pass from official assignee to official assignee, and shall vest in the official assignee for the time being during his continuance in office, without any conveyance, assignment or transfer whatever.

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[...47 Vict., ... s. 55.]

Disclaimer of onerous property.

50. (1) Where any part of the property of an insolvent shall consist of any leasehold interest burdened with onerous covenants, of shares or stocks in companies, of unprofitable contracts, or of any other property that is unsaleable, or not readily saleable, by reason of its binding the possessor thereof to the performance of any onerous act or to the payment of any sum of money, it shall be lawful for the official assignee, notwithstanding that he may have endeavoured to sell or have taken possession of the property, or exercised any act of ownership in relation thereto, but subject always to the provisions of this section, by writing signed by him, at any time within six months after the insolvent shall have been adjudged insolvent to disclaim the property:

Provided that, where any such property shall not have come to the knowledge of the official assignee within one month after such adjudication as aforesaid, it shall be lawful for him to disclaim the property at any time within six months after he shall first have become aware thereof.

(2) The disclaimer shall operate to determine, as from the date thereof, the rights, interests and liabilities of the insolvent-debtor and his property in or in respect of the property disclaimed, and shall also discharge the official assignee from all personal liability in respect of the property disclaimed as from the date when the property shall have vested in him, but shall not, except so far as is necessary for the purpose of releasing the insolvent and his property and the official assignee from liability, affect the rights or liabilities of any other person.

(3) Subject always to such rules as may be made in this behalf, the official assignee shall not be entitled to disclaim any leasehold interest without the leave of the Court; and it shall be lawful for the Court, before or on granting such leave, to require such notices to be given to persons interested, and to impose such terms as a condition of granting leave, and to make such orders with respect to fixtures, tenant's improvements and other matters arising out of the tenancy, as the Court shall think just.

(4) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the insolvent to the amount of the injury, and may accordingly prove the same as a debt under the insolvency.

[... 47 Vict., ... s. 56; ... 1907, ...]

Duty and powers of official assignee as to realisation.

51. Subject to the provisions of this Act, the official assignee shall, with all convenient speed, realise the property of the insolvent, and for that purpose may—

(*a*) sell all or any part of the property of the insolvent;

(*b*) give receipts for any money received by him;

and may, by leave of the Court, do all or any of the following things, namely:—

(*c*) carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same;

(*d*) institute, defend or continue any suit or other legal proceeding relating to the property of the insolvent; [S. 29.]

(*e*) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court;

(*f*) accept as the consideration for the sale of any property of the insolvent a sum of money payable at a future time on fully paid shares on debenture stock in any limited company subject to such stipulations as to security and otherwise as the Court thinks fit;

(*g*) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts or for the purpose of carrying on the business;

(*h*) refer any dispute to arbitration, and compromise all debts, claims and liabilities, on such terms as may be agreed upon; [S. 28.]

(*i*) divide in its existing form amongst the creditors, according to its estimated value, any property which, from its peculiar nature or other special circumstances, cannot readily or advantageously be sold:

Provided that the Court may, upon the application of any insolvent or of the official assignee, or of any creditor or mortgagee of the insolvent, delay or postpone the sale or distribution of any property and make such other order regarding the same as it shall think fit.

Distribution of property.

Declaration and distribution of dividends. [S. 41; 46 & 47 Vict. c. 52, s. 58.]

52. (1) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the official assignee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

(2) The first dividend (if any) shall be declared and be distributed within six months after the adjudication, unless the official assignee satisfies the Court that there is sufficient reason for postponing the declaration to a later date.

(3) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and be payable at intervals of not more than six months.

(4) Before declaring a dividend, the official assignee shall cause notice of his intention to do

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(Part III.—Administration of Property.)

so to be published in the prescribed manner, and shall also send reasonable notice thereof to each creditor mentioned in the insolvent's schedule who has not proved his debt.

(5) When the official assignee has declared a dividend he shall send to each creditor who has proved a notice showing the amount of the dividend, and when and how it is payable, and if required by any creditor a statement in the prescribed form as to the particulars of the estate.

[46 & 47 Vict., c. 52, s. 59.]

Joint and separate dividends.

53. (1) Where one member of a partnership is adjudged insolvent, a creditor to whom the insolvent is indebted jointly with the other members of the partnership or any of them shall not receive any dividend out of the separate property of the insolvent until all the separate creditors have received the full amount of their respective debts.

(2) Where joint and separate properties are being administered, dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of the official assignee or any person interested, be declared together; and the expenses of and incident to those dividends shall be fairly apportioned by the official assignee between the joint and separate properties, regard being had to the work done for and to the benefit received by each property.

[S. 43: 46 & 47 Vict., c. 52, s. 60: Act III, 1907, s. 39 (1), (2).]

Calculation of dividends.

54. (1) In the calculation of dividends, the official assignee shall retain in his hands sufficient assets to meet—

(a) debts provable in insolvency and appearing from the insolvent's statements or otherwise to be due to persons resident in places so distant that in the ordinary course of communication they have not had sufficient time to tender their proofs;

(b) debts provable in insolvency the subject of claims not yet determined;

(c) disputed proofs or claims; and

(d) the expenses necessary for the administration of the estate or otherwise.

(2) Subject to the provisions of sub-section (1), all money in hand shall be distributed as dividends.

[... & 47 ...t., c. 52, ...; ... III, 1907, ...)(3).]

Right of creditor who has not proved debt before declaration of a dividend.

55. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of the official assignee any dividend or dividends which he may have failed to receive, before that money is applied to the payment of any future dividend or dividends, but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

[46 & 47 Vict., c. 52, s. 62: Act III, 1907, s. 39(4).]

Final dividend.

56. When the official assignee has realised all the property of the insolvent, or so much thereof as can, in his opinion, be realised without needlessly protracting the proceedings in insolvency, he shall, with the leave of the Court, declare a final dividend; but, before so doing, he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified to him, but not proved that, if they do not prove their claims, to the satisfaction of the Court, within the time limited by the notice, he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or, if the Court on application by any such claimant grants him further time for establishing his claim, then on the expiration of that further time, the property of the insolvent shall be divided among the creditors who have proved their debts, without regard to the claims of any other persons.

[S. 45: 46 & 47 Vict., c. 52, s. 63: Act III, 1907, s. 39 (5).]

No suit for dividend.

57. No suit for a dividend shall lie against the official assignee, but, where the official assignee refuses to pay any dividend, the Court may, on the application of any creditor who has proved his debt, order him to pay it, and also to pay out of his own money interest thereon at such rate as may be prescribed for the time that it is withheld, and the costs of the application.

[46 & 47 Vict., c. 52, s. 64: Act III, 1907, s. 40.]

Power to allow insolvent to manage property, and allowance to insolvent for maintenance or service.

58. (1) Subject to such conditions and limitations as may be prescribed, the official assignee may appoint the insolvent himself to superintend the management of the property of the insolvent or of any part thereof, or to carry on the trade (if any) of the insolvent for the benefit of his creditors, and in any other respect to aid in administering the property in such manner and on such terms as the official assignee may direct.

[S. 47.]

(2) Subject as aforesaid, the official assignee may, from time to time, make such allowance as he thinks just to the insolvent out of his property for the support of the insolvent and his family, or in consideration of his services, if he is engaged in winding up his estate, but any such allowance may at any time be varied or determined by the official assignee.

[46 & 47 Vict., c. 52, s. 65: Act III, 1907, s. 47.]

Right of insolvent to surplus.

59. The insolvent shall be entitled to any surplus remaining after payment in full of his creditors, with interest, as provided

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by this Act and of the expenses of the proceedings taken thereunder.

PART IV.

OFFICIAL ASSIGNEES.

Appointment and removal.

s. 14]

Appointment and removal of official assignees of debtor's estate.

60. (*1*) The Chief Justice of each of the High Courts of Judicature at Fort William, Madras and Bombay, and the Chief Judge of the Court of Lower Burma, may from time to time appoint such person as he thinks fit to the office of official assignee of insolvents' estates for each of the said Courts respectively, and may, with the concurrence of a majority of other Judges of the Court, remove the person for the time being holding that office for any cause appearing to the Court sufficient.

S. 15]

(*2*) Every official assignee shall give such security and shall be subject to such rules and shall act in such manner as may be prescribed.

(*3*) Notwithstanding anything in sub-section (*1*), the persons substantively or temporarily holding the office of official assignee immediately before the commencement of this Act in the Courts for the relief of Insolvent Debtors at Calcutta, Madras and Bombay under the Indian Insolvency Act, 1848, and in the Chief Court of Lower Burma under that Statute as applied by the Lower Burma Courts Act, 1900, shall, without further appointment for that purpose, become the official assignees, substantive or temporary, as the case may be, under this Act in the High Courts at Fort William, Madras and Bombay and in the Chief Court of Lower Burma, respectively.

& 12 Vict., c. 21.

I of 1900.

(*4*) When an official assignee is removed, dies or resigns, all estates, rights and powers vested in him shall without any transfer vest in the official assignee who may be appointed in his place.

Duties.

46 & 47 Vict., c. 52, s. 68.]

Functions of official assignee.

61. (*1*) The duties of an official assignee shall have relation both to the conduct of the insolvent and to the administration of his estate.

(*2*) An official assignee may, for the purpose of affidavits verifying proofs, petitions or other proceedings under this Act, administer oaths.

46 & 47 Vict., c. 52, s. 69.]

Duties of official assignee as regards the insolvent's conduct.

62. As regards the insolvent it shall be the duty of the official assignee—

(*a*) to investigate the conduct of the insolvent and to report to the Court, upon any application for discharge, stating whether there is reason to believe that the insolvent has committed any act which constitutes an offence under this Act or under sections 421 to 424 of the Indian Penal Code or which would justify the Court in refusing, suspending or qualifying an order for his discharge ; XLV of 1860.

(*b*) to make such other reports concerning the conduct of the insolvent as the Court may direct or as may be prescribed ;

(*c*) to take such part as may be directed by the Court in the public examination of the insolvent ; and

(*d*) to take such part and give such assistance in relation to the prosecution of any fraudulent insolvent as the Court may direct or as may be prescribed.

Duties of official assignee as to insolvent's estate.

63. (*1*) As regards the estate of an insolvent it shall be the duty of the official assignee— [46 & 47 Vict., c. 52, s. 70.]

(*a*) where a special manager has not been appointed, to act as manager of the insolvent's estate ;

(*b*) to authorise the special manager to raise money or make advances for the purposes of the estate in any case where, in the interests of the creditors, it appears necessary so to do ;

(*c*) to preside at meetings of creditors ;

(*d*) to report to the creditors as to any proposal which the insolvent has made with respect to the mode of liquidating his affairs.

(*2*) The official assignee shall account to the Court and pay over all moneys and deal with all securities in such manner as, subject to the provisions of this Act, the Court, from time to time, directs.

Official assignee to furnish list of creditors.

64. The official assignee shall, whenever required by any creditor so to do, and on payment by the creditor of the prescribed fee, furnish and send to the creditor by post a list of the creditors showing in the list the amount of the debt due to each of the creditors. [46 & 47 Vict., c 52, s. 79.]

Remuneration.

Remuneration of official assignee.

65. (*1*) The remuneration to be paid to the official assignee shall be fixed by rules. [S. 14 : 46 & 47 Vict., c. 52, s. 72.]

(*2*) No remuneration whatever beyond that referred to in sub-section (*1*) shall be received by an official assignee as such.

Misfeasance.

Court to call official assignee to account for misfeasance, etc., in accounts or otherwise.

66. The Court shall call the official assignee to account for any misfeasance, neglect or omission which may appear in his accounts or other-

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wise, and may require the official assignee to make good any loss which the estate of the insolvent may have sustained by reason of the misfeasance, neglect or omission.

Official name.

[46 & 47 Vict., c. 52, s. 83.] Name under which official assignee to sue or be sued.

67. The official assignee may sue and be sued by the name of "the official assignee of the property of , an insolvent," inserting the name of the insolvent, and by that name may hold property of every description, make contracts, enter into any engagements binding on himself and his successors in office, and do all other acts necessary or expedient to be done in the execution of his office.

Vacation of office on insolvency

[46 & 47 Vict., c. 52, s. 85.] Office of official assignee vacated by insolvency.

68. If an order of adjudication is made against an official assignee, he shall thereby vacate the office of official assignee.

Control.

[46 & 47 Vict., c. 52, s. 89.] Discretionary powers of official assignee and control thereof.

69. (1) Subject to the provisions of this Act and to the directions of the Court, the official assignee shall, in the administration of the property of the insolvent and in the distribution thereof amongst his creditors, have regard to any resolution that may be passed by the creditors at a meeting.

(2) The official assignee may, from time to time, summon meetings of the creditors for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors, by resolution at any meeting or the Court may direct, or whenever requested in writing to do so by one-fourth in value of the creditors.

(3) The official assignee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the insolvency.

(4) Subject to the provisions of this Act, the official assignee shall use his own discretion in the management of the estate and its distribution among the creditors.

Appeal to Court against official assignee. [46 & 47 Vict., c. 52, s. 90.]

70. If the insolvent or any of the creditors, or any other person, is aggrieved by any act or decision of the official assignee, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of, and make such order as it thinks just.

Control of Court over official assignee. [46 & 47 Vict., c. 52, s. 91.]

71. (1) In the event of any official assignee not faithfully performing his duties and duly observing all the requirements imposed on him by any enactment, rules or otherwise, with respect to the performance of his duties, or in the event of any complaint being made to the Court by any creditor in regard thereto, the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(2) The Court may at any time require any official assignee to answer any enquiry made by it in relation to any insolvency in which he is engaged, and may examine him or any other person on oath concerning the insolvency.

(3) The Court may also direct a local investigation to be made of the books and vouchers of the official assignee.

PART V.

COMMITTEE OF INSPECTION.

Committee of Inspection. [46 & 47 Vict., c. 52, s. 22.]

72. (1) The Court may, if it so thinks fit, authorise the creditors to appoint from among the creditors or holders of general proxies or general powers-of-attorney from such creditors, a committee of inspection for the purpose of superintending the administration of the bankrupt's property by the official assignee.

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73. The committee shall have such powers of control over the proceeding of the official assignee as may be prescribed.

Control of committee of inspection over official assignee.

PART VI.

PROCEDURE.

[45 & 47 Vict., c. 52, s. 105.]

74. (1) Subject to the provisions of this Act and to rules, the costs of and incidental to any proceeding in Court under this Act shall be in the discretion of the Court.

Discretionary powers of the Court.

(2) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it thinks fit to impose.

(3) The Court may at any time amend any written process or proceeding under this Act upon such terms, if any, as it thinks fit to impose.

(4) Where by this Act or by rules the time for doing any act or thing is limited, the Court may extend the time either before or after the expiration thereof, upon such terms, if any, as the Court thinks fit to impose.

(5) The Court may in any matter take the whole or any part of the evidence either *vivâ voce* or by interrogatories, or upon affidavit, or by commission.

(6) For the purpose of approving a composition or scheme by joint debtors the Court may, if it thinks fit, and on the report of the official assignee that it is expedient so to do, dispense with the public examination of one of the joint debtors if he is unavoidably prevented from attending the examination by illness or absence abroad.

[& 47 c. 52, ; II, 1907,]

75. Where two or more insolvency petitions are presented against the same debtor or against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

Consolidation of petitions.

76. Where the petitioner does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor is indebted in the amount required by this Act in the case of a petitioning creditor or may give the carriage of the proceedings to the official assignee.

Power to change carriage of proceedings.

[45 & 47 Vict., c. 52, s. 107; Act III, 1907, s. 9.]

77. If a debtor by or against whom an insolvency petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive.

Continuance of proceedings on death of debtor.

[46 & 47 Vict., c. 52, s. 108; Act III, 1907, s. 10.]

78. The Court may, at any time, for sufficient reason, make an order staying the proceedings under an insolvency petition, either altogether or for a limited time, on such terms and subject to such conditions as the Court thinks just.

Power to stay proceedings.

[46 & 47 Vict., c. 52, s. 109.]

79. Any creditor whose debt is sufficient to entitle him to present an insolvency petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

Power to present petition against a partner.

[46 & 47 Vict., c. 52, s. 110.]

80. Where there are more respondents than one to a petition, the Court may dismiss the petition as to one or more of them without prejudice to the effect of the petition as against the other or others of them.

Power to dismiss petition against some respondents only.

[46 & 47 Vict., c. 52, s. 111.]

81. Where an order of adjudication has been made on an insolvency petition against or by one member of a partnership, any other insolvency petition against or by a member of the same partnership shall be presented in or transferred to the Court in which the first-mentioned petition is in course of prosecution; and the Court may give such directions for consolidating the proceedings under the petitions as it thinks just.

Separate insolvency petitions against partners.

[46 & 47 Vict., c. 52, s. 112.]

82. Where a member of a partnership is adjudged insolvent, the Court may authorise the official assignee to continue or commence and carry on any suit or other proceeding in his name and that of the insolvent's partner; and any release by the partner of the debt or demand to which the proceeding relates shall be void; but notice of the

Suits by official assignee and insolvent's partners.

[46 & 47 Vict., c. 52, s. 113.]

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application for authority to continue or commence the proceeding shall be given to him, and he may show cause against it, and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the proceeding, and if he does not claim any benefit therefrom he shall be indemnified against costs in respect thereof as the Court directs.

[46 & 47 Vict. c. 52, s. 114.]

Suits on joint contracts.

83. Where an insolvent is a contractor in respect of any contract jointly with any other person, that other person may sue or be sued in respect of the contract without the joinder of the insolvent.

[46 & 47 Vict., c. 52, s. 115.]

Proceedings in partnership's name.

84. Any two or more persons, being partners, or any person carrying on business under a partnership name, may take proceedings or be proceeded against under this Act in the name of the firm; but in that case the Court may, on application by any person interested, order the names of the persons who are partners in the firm, or the name of the person carrying on business under a partnership name, to be disclosed in such manner, and verified on oath or otherwise, as the Court may direct.

PART VII.

PENALTIES.

[Act III, 1907, s. 53 (1).]

Undischarged insolvent obtaining credit.

85. An undischarged insolvent obtaining credit to the extent of fifty rupees or upwards from any person without informing such person that he is an undischarged insolvent shall, on conviction by a Magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

[S. 50.]

Punishment of insolvent for certain offences.

86. In case it shall appear to the Court that any insolvent has fraudulently, with the intent to conceal the state of his affairs or to defeat the objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the production of any book, paper or writing relating to such of his affairs as are subject to investigation under this Act, or kept or caused to be kept false books, or made false entries in, or withheld entries from, or wilfully altered or falsified, any such book, paper or writing, or that such insolvent has fraudulently, with intent of diminishing the sum to be divided among his creditors or of giving an undue preference to any of the said creditors, discharged or concealed any debt due to or from the said insolvent, or made away with, changed, mortgaged or concealed any part of his property, of what kind soever,

the Court shall have power to adjudge that the insolvent shall be imprisoned for a period or periods not exceeding two years in the whole, as the Court shall direct, and to declare him entitled to his discharge as aforesaid at the expiration of the term of imprisonment to which he shall be sentenced, and by warrant under the seal of the Court to order him to be arrested and committed to prison, and there to be detained accordingly.

[Act V of 1898, s. 476; Act III of 1907, s. 53; Cf. 46 & 47 Vict., c. 52, s. 165; XLV of 1860.]

Power of Court to send case for trial.

87. Where the Court has reason to believe that an insolvent or any other person has committed an offence under this Act or under sections 421 to 424 of the Indian Penal Code, the Court, after making any preliminary enquiry that may be necessary, may send the case for inquiry or trial to a Magistrate, and may send the accused in custody or take sufficient security for his appearance before such Magistrate, and may bind over any person to appear and give evidence on such trial.

PART VIII.

SMALL INSOLVENCIES.

[45 & 47 Vict., c. 52, s. 121.]

Summary administration in small cases.

88. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise, or the official assignee reports to the Court, that the property of the debtor is not likely to exceed in value three thousand rupees or such other amount as may be prescribed, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications, namely:—

(*a*) no appeal shall lie from any order of the Court, except by leave of the Court;

(*b*) the estate shall, where practicable, be distributed in a single dividend;

(*c*) such other modifications may be made in the provisions of this Act as may be prescribed with the view of saving expense and simplifying procedure:

Provided that nothing in this section shall permit the modification of the provisions of this Act relating to the examination or discharge of the debtor.

PART IX.

SPECIAL PROVISIONS.

[46 & 47 Vict., c. 52, s. 123; Act III, 1907, s. 6(6).]

Exemption of corporation, etc., wound up, from insolvency proceedings.

89. No insolvency petition shall be presented against any corporation or against any association or company registered under any enactment for the time being in force.

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(*Part IX.—Special Provisions. Part X.—Rules.*)

[46 & 47 Vict., c. 52, s. 125.] **90.** (*1*) Any creditor of a deceased debtor whose debt would have been sufficient to support an insolvency petition against the debtor, had he been alive, may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of insolvency.

Administration in insolvency of estate of person dying insolvent.

(*2*) Upon the prescribed notice being given to the executor, administrator or other legal representative of the deceased debtor, the Court may in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in insolvency of the deceased debtor's estate, or may upon cause shown dismiss the petition with or without costs.

(*3*) An order of administration under this section shall not, in cases where a grant of probate or administration is required to establish a title as legal representative, be made until the expiration of two months from the date of the grant of probate or letters of administration, unless with the concurrence of the legal representative of the deceased debtor, or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of insolvency within three months prior to his decease.

(*4*) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced in any Court of Justice for the administration of the deceased debtor's estate; but that Court may in that case, on the application of any creditor, and on proof that the estate is insufficient to pay its debts, transfer the proceedings to the Court exercising jurisdiction in insolvency, and thereupon the last-mentioned Court may, in the prescribed manner, make an order for the administration of the estate of the deceased debtor, and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(*5*) Upon an order being made for the administration of a deceased debtor's estate under this section, the property of the debtor shall vest in the official assignee of the Court, and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Act.

(*6*) With the modifications hereinafter mentioned, all the provisions of Part III, relating to the administration of the property of an insolvent, shall, so far as the same are applicable, apply to the case of an administration order, under this section in like manner as to an order of adjudication under this Act.

(*7*) In the administration of the property of the deceased debtor under an order of administration, the official assignee shall have regard to any claims by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate; and those claims shall be deemed a preferential debt under the order, and be payable in full, out of the debtor's estate, in priority to all other debts.

(*8*) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the official assignee after payment in full of all the debts due from the debtor, together with the costs of the administration and interest as provided by this Act in case of insolvency, such surplus shall be paid over to the legal representative of the deceased debtor's estate, or dealt with in such other manner as may be prescribed.

(*9*) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under this section shall, in the event of an order for administration being made thereon, be deemed to be equivalent to notice of an act of bankruptcy, and after the notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the official assignee. Save as aforesaid, nothing in this section shall invalidate any payment made or act or thing done in good faith by the legal representative before the date of the order for administration.

(*10*) General rules, for carrying into effect the provisions of this section, may be made in the same manner and to the like effect and extent as in insolvency.

Explanation.—For the purposes of this section, the expression "Court" shall, unless there is anything repugnant in the subject or context, be deemed to mean the Court exercising jurisdiction in insolvency within the local limits of the jurisdiction of which the debtor resided or carried on business for the greater part of the six months immediately prior to his decease; and "creditor" means one or more creditors qualified to present an insolvency petition as in this Act provided.

PART X.

RULES.

91. (*1*) The Courts having jurisdiction under this Act may from time to time make rules for carrying into effect the objects of this Act. [S. 76.]

Rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for and regulate—

(*a*) the fees and percentages to be charged for or in respect of proceedings under this Act and the manner in which the same are to be collected and accounted

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for and the account to which they are to be paid ;

(*b*) the investment, whether separately or collectively, of unclaimed deposits and dividends appertaining to the estates of insolvent debtors whether adjudicated insolvent under this or any former Act, and the application of the proceeds of such investment ;

(*c*) the proceedings of the official assignee in taking possession of and realising the estates of insolvent debtors ;

(*d*) the remuneration of the official assignee ;

(*e*) the receipts, payments and accounts of official assignees ;

(*f*) the audit of the accounts of official assignees and the payment of the costs of such audit and the payment of the recoverable costs, charges and allowances of official assignees out of the funds in their hands;

(*g*) the proceedings to be taken in connection with proposals for composition and schemes of arrangement with the creditors of insolvent debtors ;

(*h*) the intervention of the official assignee at the hearing of applications and matters relating to insolvent debtors and their estates ;

(*i*) the examination by the official assignee of the books and papers of account o undischarged insolvent debtors ;

(*j*) the service of notices in proceedings under this Act ;

(*k*) the meetings of creditors ;

(*l*) the appointment, meetings and procedure of committees of inspection ;

(*m*) the conduct of proceedings under this Act in the name of a partnership ;

(*n*) the delegation to an officer of the Court of any of the powers of the Court under this Act ;

(*o*) the prescription of forms ;

(*p*) the procedure to be followed in the case of estates to be administered in a summary manner ;

(*q*) the practice generally of Courts for the relief of insolvent debtors.

Sanction to and publication of rules.

92. Rules made under the provisions of this Part shall be subject, in the case of the High Court of Judicature at Fort William in Bengal, to the previous sanction of the Governor General in Council, and, in the case of any other Court, of the Local Government, and when made and sanctioned as aforesaid shall be published in the Gazette of India or in the local official Gazette, as the case may be, and shall thereupon have the same force and effect within the local limits of the jurisdiction of the Court which made them as if they had been enacted in this Act.

PART XI.

SUPPLEMENTAL.

Exemption from duty.

Exemption from duty of conveyances, etc., under this Act.

93. No conveyance, assignment, letter of attorney, affidavit, certificate, or other proceedings, instrument or writings whatsoever, before or under any order of any Court acting under this Act, nor any copy thereof, nor any advertisement inserted in any newspaper by direction of any such Court relating to matters within the jurisdiction of such Court, shall be liable to or chargeable or charged with the payment of any stamp or other duty whatsoever ; [S. 75.]

and no sale of any real or personal estate o any such insolvent for the benefit of his or her creditors under this Act shall be liable to any auction duty.

Evidence.

Evidence of proceedings at meetings of creditors.

94. (*1*) A minute of proceedings at a meeting of creditors under this Act, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof. [46 & 47 Vict., c. 52, s. 133.]

(*2*) Until the contrary is proved, every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held, and all resolutions passed or proceedings had thereat to have been duly passed or had.

Swearing of affidavits.

95. Any affidavit may be used in a Court having jurisdiction nder this Act if it is sworn— [S. 68; 46 & 47 Vict. c. 52, s. 135; Act XIV, 1882, s. 197.]

(*a*) in British India, before—

(*i*) any Court or Magistrate,

(*ii*) any officer whom the High Court of a province may appoint in this behalf, or

(*iii*) any officer appointed by any other Court which the Local Government has generally or specially empowered in this behalf ;

(*b*) in England, before any person authorised to administer oaths in His Majesty's High Court of Justice, or in the Court of Chancery of the County Palatine of Lancaster, or before any Registrar of a Bankruptcy Court, or before any officer of a Bankruptcy Court authorised in writing in that behalf by the Judge of the Court ;

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(c) in Scotland or in Ireland, before a Judge Ordinary, Magistrate or Justice of the Peace; and,

(d) in any other place, before a Magistrate or Justice of the Peace or other person qualified to administer oaths in that place (he being certified to be a Magistrate or Justice of the Peace, or qualified as aforesaid, by a British Minister or British Consul or British Political Agent or by a notary public).

Formal defects.

[46 & 47 Vict., c. 52, s. 143.]

Formal defect not to invalidate proceedings.

96. (1) No proceeding in insolvency shall be invalidated by any formal defect or by any irregularity unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of that Court.

(2) No defect or irregularity in the appointment of an official assignee shall vitiate any act done by him in good faith.

[56 & 57 Vict., c. 53, s. 25.] XXVII of 1866.

Application of Trustee Act to insolvency of trustee.

97. Where a insolvent is a trustee within the Indian Trustee Act, 1866, section 35 of that Act shall have effect so as to authorise the appointment of a new trustee in substitution for the insolvent (whether voluntarily resigning or not), if it appears expedient to do so, and all provisions of that Act, and of any other Act relative thereto, shall have effect accordingly.

Crown.

[46 & 47 Vict., c. 52, s. 150.]

Certain provisions to bind the Crown.

98. Save as herein provided, the provisions of this Act relating to the remedies against the property of a debtor, the priorities of debts, the effect of a composition or scheme of arrangement, and the effect of a discharge shall bind the Crown.

Rights of audience.

[46 & 47 Vict., c. 52, s. 151.]

Saving for existing rights of audience.

99. Nothing in this Act, or in any transfer of jurisdiction effected thereby, shall take away or affect any right of audience that any person may have had immediately before the commencement of this Act; and all attorneys or other persons who had the right of audience before the Courts for the Relief of Insolvent Debtors shall have the like right of audience in insolvency matters in the High Courts of Judicature at Fort William, Madras and Bombay, respectively, and in the Chief Court of Lower Burma.

Unclaimed funds or dividends.

[46 & 47 Vict., c. 52, s. 162.]

Payment into Courts of unclaimed or undistributed dividends or funds.

100. Where an official assignee under any insolvency, composition or scheme pursuant to this Act has under this control any unclaimed dividend which has remained unclaimed for more than six months, or where, after making a final dividend, he has in his hands or under his control any unclaimed or undistributed money arising from the property of the debtor, or where, after the passing of this Act, any unclaimed or undistributed fund or dividend in the hands or under the control of an official assignee under the Indian Insolvency Act, 1848, has remained or remains unclaimed or undistributed for six months after the same became claimable or distributable, or in any other case for two years after the receipt thereof by the official assignee, the official assignee shall forthwith pay it into the Court for credit to such account as may be prescribed.

11 & 12 Vict., c. 21.

[Act II of 1874, s. 62.]

Lapse and credit to Government of unclaimed or undistributed dividends.

101. Moneys transferred to the credit of any general dividend account which are not paid within fifteen years or such less period as may be prescribed from the date of their transfer to that account shall be carried to the account and credit of the Government of India, unless the Court, on the motion of a person interested, otherwise directs.

[46 & 47 Vict., c. 52, s. 162; Act II of 1874 s. 63.]

Claims to moneys paid into Court or credited to Government under section 100 or section 101.

102. Any person claiming to be entitled to any moneys paid into court pursuant to section 100, or carried to the account and credit of the Government of India pursuant to section 101, may apply to the Court for an order for payment to him of the same; and the Court, if satisfied that the person claiming is entitled, shall make an order for payment to him of the sum due:

Provided that, before making an order for the payment of a sum which has been carried to the account and credit of the Government of India, the Court shall cause a notice to be served on such officer as the Governor General in Council may appoint in this behalf, calling on the officer to show cause, within one month from the date of the service of the notice, why the order should not be made.

[Act XXVII of 1841, ss. 1, 2.]

Distribution of certain unclaimed dividends reserved in respect of unproved claims under 11 & 12 Vict., c. 21.

103. (1) Where in the books of the official assignee of the Court for the Relief of Insolvent Debtors at Calcutta, Madras or Bombay, or of the Chief Court of Lower Burma, a dividend in respect of the claim of a person who has been named in a schedule as a creditor of an insolvent in proceedings under the Indian Insolvency Act, 1848,

11 & 12 Vict, c. 21.

The Presidency-towns Insolvency Bill.

(Part XI.—Supplemental. The First Schedule.—Proof of Debts.)

but has not established his title to the dividend, has been standing to the credit of the estate of the insolvent for a longer period than six years from the date of the declaration of the dividend, the official assignee of the High Court of Judicature at Fort William, Madras or Bombay, or of the Chief Court of Lower Burma, as the case may be, shall, at the prescribed time and in the prescribed form, file an account of it in Court, and publish the account in two successive issues of the local official Gazette.

(2) If the dividend is not claimed within six months from the date of the second publication of the account in the Gazette, it shall, after deduction therefrom of the cost of preparing, filing and publishing the account, be divided rateably among the creditors of the estate who have proved their debts or demands.

Debtor's books.

[Bankruptcy, Rules, 1883, Rule 349.]

Access to insolvent's books.

104. (1) No person shall, as against the official assignee, be entitled to withhold possession of the books of accounts belonging to the insolvent or to set up any lien thereon.

[New.]

(2) Any creditor of the insolvent may, subject to the control of the Court, inspect at all reasonable times, personally or by agent, any such books in the possession of the official assignee.

Courts to be auxiliary to each other.

[46 & 47 Vict., c. 52, s. 118: Act III, 1907, s. 50.]

Courts to be auxiliary to each other.

105. All Courts having jurisdiction in insolvency and the officers of such Courts respectively shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of a Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by the order, such jurisdiction as either of such Courts could exercise in regard to similar matters within their respective jurisdictions.

Repeals.

[46 & 47 Vict., c. 52, s. 169.]

Repeals of enactments.

106. The enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

(*See section 36.*)

PROOF OF DEBTS.

Proofs in ordinary cases.

[46 & 47 Vict., c. 52, sch. II.]

1. Every creditor shall prove his debt as soon as may be after the making of an order of adjudication.

2. A debt may be proved by delivering or sending by post in a registered letter to the official assignee an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorised by or on behalf of the creditor. If made by a person so authorised, it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers, if any, by which the same can be substantiated. The official assignee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts, but he shall not be compelled to deduct any discount, not exceeding five per centum on the net amount of his claim, which he may have agreed to allow for payment in cash.

Proof by secured creditors.

9. If a secured creditor realises his security, he may prove for the balance due to him, after deducting the net amount realised.

10. If a secured creditor surrenders his security to the official assignee for the general benefit of the creditors, he may prove for his whole debt.

11. If a secured creditor does not either realise or surrender his security, he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (1) Where a security is so valued the official assignee may at any time redeem it on payment to the creditor of the assessed value.

(2) If the official assignee is dissatisfied with the value at which a security is assessed, he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the official assignee, or as, in default of agreement, the Court may direct. If the sale is by public auction, the creditor, or the official assignee on behalf of the estate, may bid or purchase:

The Presidency-towns Insolvency Bill.

(The First Schedule.—Proof of Debts.)

Provided that the creditor may at any time, by notice in writing, require the official assignee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realised, and if the official assignee does not, within six months after receiving the notice, signify in writing to the creditor his election to exercise the power, he shall not be entitled to exercise it; and the equity of redemption, or any other interest in the property comprised in the security which is vested in the official assignee, shall vest in the creditor, and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security, he may at any time amend the valuation and proof on showing to the satisfaction of the official assignee, or the Court, that the valuation and proof were made *bonâ fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor, and upon such terms as the Court shall order, unless the official assignee shall allow the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule, the creditor shall forthwith repay any surplus dividend which he has received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he has failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realises it, or if it is realised under the provisions of rule 12, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules, he shall be excluded from all share in any dividend.

17. Subject to the provisions of rule 12, a creditor shall in no case receive more than sixteen annas in the rupee and interest as provided by this Act.

Proof in respect of distinct contracts.

18. If an insolvent was at the date of the order of adjudication liable in respect of distinct contracts as a member of two or more distinct firms, or as a sole contractor and also as member of a firm, the circumstance that the firms are in whole or in part composed of the same individuals or that the sole contractor is also one of the joint contractors shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

Periodical payments.

19. When any rent or other payment falls due at stated periods, and the order of adjudication is made at any time other than one of those periods, the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

Interest.

20. (1) On any debt or sum certain whereon interest is not reserved or agreed for, and which is overdue when the debtor is adjudged an insolvent, and which is provable under this Act, the creditor may prove for interest at a rate not exceeding six per centum per annum—

(*a*) if the debt or sum is payable by virtue of a written instrument at a certain time, from the time when such debt or sum was payable to the date of such adjudication; or,

(*b*) if the debt or sum is payable otherwise, from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment to the date of such adjudication.

(2) Where a debt which has been proved in insolvency includes interest or any pecuniary consideration in lieu of interest, the interest or consideration shall, for the purposes of dividend, be calculated at a rate not exceeding six per centum per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any higher rate of interest to which he may be entitled after all the debts proved have been paid in full. [Act III, 19 s. 32 (2).]

Debt payable at a future time.

21. A creditor may prove for a debt not payable when the debtor is adjudged an insolvent as if it were payable presently, and may receive dividends equally with the other creditors, deducting therefrom only a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

The Presidency-towns Insolvency Bill.

(The First Schedule.—Proof of Debts. The Second Schedule.—Enactments Repealed.)

Admission or rejection of proofs.

22. The official assignee shall examine every proof and the grounds of the debt, and in writing admit or reject it in whole or in part, or require further evidence in support of it. If he rejects a proof, he shall state in writing to the creditor the grounds of the rejection.

23. If the official assignee thinks that a proof has been improperly admitted, the Court may, on the application of the official assignee, after notice to the creditor who made the proof, expunge the proof or reduce its amount.

24. If a creditor is dissatisfied with the decision of the official assignee in respect of a proof, the Court may, on the application of the creditor, reverse or vary the decision.

25. The Court may also expunge or reduce a proof upon the application of a creditor if the official assignee declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the insolvent.

26. For the purpose of any of his duties in relation to proofs, the official assignee may administer oaths and take affidavits.

THE SECOND SCHEDULE.

(See section 106.)

ENACTMENTS REPEALED.

Year.	No.	Short title.	Extent of repeal.
1841	XXVII	The Insolvent Estates (Unclaimed Dividends) Act, 1841.	So much as has not been repealed.
1848	11 & 12 Vict., c. 21.	The Indian Insolvency Act, 1848.	Ditto.
1898	X	The Indian Insolvency Rules Act, 1898.	Sections 2 and 3.
1908	V	The Code of Civil Procedure, 1908.	Section 120, sub-section (2).

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the Law of Insolvency in force in the Presidency-towns and in the town of Rangoon. That law is at present contained in the Indian Insolvency Act of 1848 (11 & 12 Vict., c. 21), a statute framed on the same lines as the English Acts before 1869. Those Acts were long since found inadequate in England; they were superseded by the Bankruptcy Act of 1869 and the law was again recast and re-enacted by the existing Act of 1883. In India, however, no amendment has been made, although for many years past it has been generally admitted that the present Act is altogether out of date and ineffective.

2. As long ago as 1870 Sir James Stephen introduced a Bill to repeal the existing law and to substitute for it an Insolvency Law based on the English Bankruptcy Act of 1869. This Bill was applicable to the whole of India. It was considered to be too complicated for the Mufassal, and was withdrawn. In 1883 the present Bankruptcy Act was passed in England and Sir C. Ilbert proposed to the Government of India to introduce a Bill, based on the lines of that Act, to supersede the Statute of 1848. The proposal to pass an entirely new enactment met with general approval. It was supported by the various Chambers of Commerce and by the High Courts, accepted by the Government of India and approved by the Secretary of State. A Bill was drafted accordingly and was introduced in the Legislative Council at Simla on the 20th May, 1886. This Bill followed with some exactness the English Act and contained provisions taken from that Act which were commonly thought to go somewhat beyond the needs of India. For some reason it was not immediately proceeded with; indeed, no further step was taken until 1899, when the Bill was referred to a Select Committee, who reported that as drafted it was too complicated to suit Indian conditions and advised that it should be modified. Nothing has been done since.

3. Meantime the commercial communities have not ceased to urge reform. In 1902, in commenting on the Code of Civil Procedure Bill, the Bengal Chamber of Commerce expressed their disappointment that no indication of any intended amendment of the Insolvency Law in the Presidency-towns was put forward. They observed that the necessity for a new law was increasing and that in the public interests, and particularly in the interests of the trading community, the desired amendment should not be longer delayed. Within the last year they have made a similar representation, and it cannot be doubted that their opinion is shared by the Chartered High Courts and by the representatives of commerce in the other Presidency-towns. In the last session of the Legislative Council an Act was passed dealing with insolvency in the Mufassal on modern lines, but that Act has no application to the Presidency-towns or to Rangoon.

4. The main defect of the existing law lies in the absence of any adequate powers to compel the production of assets. The primary object of the Act of 1848 was the protection of debtors: the provision it makes for the discovery of the property of insolvents is treated as of secondary importance and has long since been found insufficient to prevent fraud. The protection of honest debtors should be one of the objects of every Insolvency Law, although it is of less importance now than it was in 1848, when imprisonment for debt was more frequent. But it is equally important, in the interests of commerce, that creditors should not be defrauded and that dishonest debtors should not be able to make use of insolvency proceedings merely to free themselves from their liabilities while preserving their assets more or less intact.

5. The present Bill follows the general lines of the English Act, but there are important simplifications introduced to meet the different conditions of India. It continues the existing protection for debtors but, at the same time, sets up a machinery by which the whole of the assets of an insolvent should be secured for the benefit of the creditors. The details of this machinery are for consideration, but it is thought that there will be general agreement as to the desirability of a new law on the lines of the Bill.

6. The first point of substance to which it is desired to invite attention is the question of the stage at which there should be adjudication. Under the Act of 1848 adjudication takes place on the presentation of a petition. The Bill of 1886, following the English law, provided for a receiving order in the first instance, but the Committee of 1892 reported that the interposition of a receiving order, with all the legal and other complications attendant on it, between the presentation of a petition and adjudication was undesirable. This view has been adopted in the present draft; there is no provision in it for any receiving order,—adjudication is to be made, as under the existing law, on petition. This adjudication will be made as of course on all debtors' petitions and all creditors' petitions which are dropped. The Provincial Insolvency Act proceeds on an alternative

course and provides for adjudication after a hearing of the petition at which the creditors may appear and cross-examine the debtor. The conditions in the Presidency-towns, however, differ from those in the Mufassal and there is less danger of adjudication being made on insufficient materials.

7. The second stage under the Bill will be a meeting of the creditors and a public examination of the debtor by the Court. These two provisions should enable the creditors to obtain full information as to the dealings of the insolvent and the assets of his estate.

8. The third and last stage will be the discharge. This cannot be granted until after the public examination of the insolvent has been concluded and may be refused or suspended if the insolvent is found to have been guilty of misconduct. An order of adjudication operates of itself to release the debtor from prison; it is no longer necessary therefore to retain the provisions of the present Act relating to applications for personal discharge.

9. Provisions have been made for compositions and schemes of arrangement which are, it is hoped, of a practical character.

10. The distinction between traders and non-traders has been abolished.

11. Under the Act there is power to appoint special assignees, but it is believed that this power has never in fact been exercised in recent years. The object of it is to secure for the creditors some control over the proceedings in insolvency, but the fact that it is not made use of appears to show that it is ineffective for that purpose. It is proposed therefore, for consideration, that the power to appoint special assignees should not be retained, but that there should be power to appoint a committee of creditors to supervise proceedings in cases in which it may be desirable to do so. This procedure is new to Indian law and for that reason it seems inexpedient, in the first instance, to define with any exactness the extent of the control which should be given to such committees. It is thought better to leave the matter to rules, in order that advantage may be taken of experience.

12. Under the English system the supervising authority for bankruptcy proceedings is the Board of Trade, but in India we have nothing corresponding to that body; powers of supervision must therefore be left to the Courts.

13. n explanation of other amendments will be found in the *Notes on Clauses.*

14. If this Bill be passed into law it will be necessary to repeal the 1848 Act, and this raises a question which deserves consideration. The present Act is an Act of the Imperial Parliament and a vesting order made under it vests in the assignee by direct operation all the real and personal estate and effects of the insolvent in whatever part of the King's dominions they may be situate or accrue; and a discharge under the Act has effect in every part of those dominions. The Act is one of those which it is within the competency of the Legislative Council of the Governor General to repeal, but if it be repealed and an Indian Act be substituted, it follows that these advantages must at least for the most part be abandoned, since an Act of the Indian Legislature cannot operate for this purpose outside the limits of India. In 1886 it was proposed that an Act of the Imperial Parliament should be obtained to give this authority to insolvency proceedings in India, but no such Act has as yet been passed. It is believed, however, that the advantages conferred by the Act of 1848 are of no real value, since experience has shown that in practically every case in which there are assets in both countries concurrent proceedings are instituted in England and in India. It may be that the Imperial Parliament will, at some future date, pass an enactment to give direct effect to Indian and Colonial insolvency proceedings in all parts of the Empire, but meantime it would appear that we are not surrendering any practical advantage by giving up the position we hold under the 1848 Act. In any case we cannot allow this consideration to be a perpetual bar to the reform of Insolvency Law in India.

The 19th March, 1908. H. ERLE RICHARDS.

Notes on Clauses.

Clauses 1 and 2.—The title and definitions have been brought into line with the Provincial Insolvency Act.

The Bill is to all practical intents a Bankruptcy Bill, but it has been thought better for the present, at any rate, to observe the title "insolvency" with which legal practitioners in this country are familiar, both for this Bill and for the Provincial Act.

Clauses 3 and 4 represent the existing law.

Clauses 5 and 6.—These clauses give powers which it is thought will be useful; they are taken from the English Act.

Clause 7 (1) gives the Court in the exercise of insolvency jurisdiction the same powers as it has in the exercise of original civil jurisdiction.

Sub-clauses (2) and (3) are taken from the English Act.

Clause 8.—The law of appeals remains unaltered.

Clause 9.—The list of acts of insolvency has been made uniform with that in the Provincial Act and follows the English law, with one exception. It is proposed that a debtor who has allowed his property to be attached should be held to have committed an act of insolvency. It is said that one of the most favourite tricks of a fraudulent insolvent is to get rid of his property to special creditors or friends by illusive decrees or attachments and that the property once sold in this way is difficult to recover. The point is for consideration, but it may well be that it is possible to be more strict in this respect in the Presidency-towns than in the Mufassal.

Clauses 10 to 16 follow the Provincial Act and make no change of importance in the law except that to which attention has already been called, namely, that under clause 16 the adjudication of itself releases the debtor from prison. Section 13 of the Act of 1848 has been omitted for the reasons already stated.

Clause 19.—The power to appoint a special manager is one that has been suggested in connection with the Arbuthnot case.

Clause 23 provides for a general meeting of creditors to be held after the adjudication. The proceedings at the meeting will be regulated by rules. Express power has been given to the official assignee or to creditors to question the insolvent. Clause 69, sub-clause (2), gives power to the official assignee to summon subsequent meetings of creditors at any time, and compels him to do so if directed by the Court or requested in writing by one-fourth of the creditors.

Clause 24 provides for the public examination of an insolvent to which reference has already been made.

Clauses 25 and 26 deal with composition and schemes of arrangement.

Clause 27 is taken from the English Act; it sets out in full the duty of the insolvent to discover and realise his property, and empowers the Court to sentence a fraudulent insolvent to a term of imprisonment, following section 50 of the 1848 Act and section 43 (2) of Act III of 1907.

Clause 28 gives the Court power of arrest in certain circumstances.

Clause 30 gives the official assignee wider powers for the discovery of the insolvent's property. It enables the Court to order production of the books of a partnership of which the insolvent was a member—a point on which there has been some doubt.

Sub-clauses (4) and (5) go somewhat beyond the corresponding sections of the Bankruptcy Act, 1883, sections 27 (4) and (5), under which the Court can only make an order when the respondent admits liability; but having regard to the facility with which in this country property can be put away, and to the fact that between examination and action the property might be made away with, it seems necessary to have a stringent provision.

Clause 31.—The system of double discharge has been abandoned and provision is made for one discharge only; the clause is in line with the corresponding section of the Provincial Act.

It is for consideration whether the limit of six annas in the rupee prescribed in sub-clause (3) (*a*) is not too high. In small insolvencies at least it might be desirable to reduce it. Power is therefore given to the Court to prescribe a lower limit.

Clause 33 differs from the Provincial Act inasmuch as it makes a discharge operate to free a debtor from all debts provable in insolvency. But in this it follows the existing law as to traders, and the objections to giving this wide effect to a discharge which exist in regard to the Mufassal do not have the same weight in Presidency-towns where greater publicity attaches to proceedings before the Court.

Clause 33.—It is a question whether there should be inserted after this clause a new clause disqualifying an insolvent from holding office on the lines of the corresponding provisions in the English Act. This was proposed but not adopted at the time in the Provincial Insolvency Act. It may be that it will be better that this disqualification should be inserted as opportunity offers in enactments relating to public bodies.

Clause 36.—Rules as to proof of debts have been put in the schedule following the English Act.

Clause 39.—The title of the assignee is made to relate back to presentation of the petition and not to the date of the act of insolvency. This follows the existing law and

the Provincial Act, but differs from the English Act under which the title relates back to the act of insolvency.

Clauses 41 to 45.—The provisions as to the effect of insolvency on antecedent transactions follow generally the English law. The transactions referred to in clauses 41, 42 and 45 are made to stand or fall by the time of the presentment of the petition, not of adjudication, a departure from the Provincial Insolvency Act which makes the law somewhat more stringent. The limit of time within which salary or wages of clerks, servants, etc, can be recovered has been maintained at six months as in Section 46 of the Act of 1848, but a limit of amount in each case of Rs. 500 is suggested.

Clauses 46 to 52 are taken from the English law and the Provincial Act.

Clause 50 is shorter than the corresponding section (55) of the English Act.

Clauses 60 to 68 sum up the position of the official assignee; the present incumbents are preserved in their office.

Clauses 74 to 84 deal with matters of procedure and are taken from the English law. The last clause gives powers for proceedings to be taken either by or against a firm in the firm's name.

Part VII: penalties: clauses 85, 87.—It appears necessary to retain section 50 of the present Act. Non-criminal failure to maintain proper books is dealt with sufficiently by clause 31 (3) (*b*) by suspension or refusal of discharge; the other penal sections of the present Act appear to be sufficiently covered by sections 421 to 424 of the Penal Code.

Clause 88.—It is thought that a power to summarily administer small cases will be of use.

Special provisions.—The sections of the existing Act as to married women and lunatics have been omitted. They appear to be unnecessary.

Clause 90 provides for the administration in insolvency of the estate of a person dying insolvent and is new to Indian law; it reproduces section 125 of the Act of 1883.

The Arbuthnot insolvency afforded a striking example of the necessity of this provision.

Clauses 91 and 92 give power to the Courts to make rules subject to the sanction, in the case of the Calcutta High Court of the Governor General in Council, and, in the case of the other High Courts, of the Local Governments. The provision for submitting rules for the approval of His Majesty is omitted.

It is thought that this power will enable Courts, if they so think fit, to re-enact in substance the existing rules, with such changes as may be rendered necessary by the Act. *Clause 91* (2) (*b*) gives the Court an unlimited power of dealing with the proceeds of investments of unclaimed dividends.

Clause 95 provides for the persons before whom affidavits may be sworn; section 68 of the 1848 Act is altogether obsolete on this point.

Clauses 100 to 103 provide for dealing with unclaimed funds or dividends, on the lines of Act II of 1874, sections 62, 63.

Schedule I, as to proof of debts, is taken from Schedule II of the English Act of 1883.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JUNE 12, 1908.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 8th June, 1908, and is hereby promulgated for general information :—

ACT NO. VI OF 1908.

An Act further to amend the law relating to explosive substances.

WHEREAS it is necessary further to amend the law relating to explosive substances; It is hereby enacted as follows:—

Short title, extent and application.

1. (*1*) This Act may be called the Explosive Substances Act, 1908.

(*2*) It extends to the whole of British India and applies also to—

(*a*) all native Indian subjects of His Majesty in any place without and beyond British India;

(*b*) all other British subjects within the territories of any native prince or chief in India.

Definition of "explosive substance."

2. In this Act the expression "explosive substance" shall be deemed to include any materials for making any explosive substance; also any apparatus, machine, implement, or material used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance; also any part of any such apparatus, machine, or implement.

Punishment for causing explosion likely to endanger life or property.

3. Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property shall, whether any injury to person or property has been actually caused or not, be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment for a term which may extend to ten years, to which fine may be added.

Punishment for attempt to cause explosion, or for making or keeping explosive with intent to endanger life or property.

4. Any person who unlawfully and maliciously—

(*a*) does any act with intent to cause by an explosive substance, or conspires to cause by an explosive substance, an explosion in British India of a nature likely to endanger life or to cause serious injury to property; or

(*b*) makes or has in his possession or under his control any explosive substance with intent by means thereof to endanger life, or cause serious injury to property in British India, or to enable any other person by means thereof to endanger life or cause serious injury to property in British India;

shall, whether any explosion does or does not take place and whether any injury to person or property has been actually caused or not, be punished with transportation for a term which may extend to twenty years, to which fine may be added, or with imprisonment for a term which may extend to seven years, to which fine may be added.

5. Any person who makes or knowingly has in his possession or under his control any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he is not making it or does not have it in his possession or under his control for a lawful object, shall, unless he can show that he made it or had it in his possession or under his control for a lawful object, be punishable with transportation for a term, which may extend to fourteen years, to which fine may be added, or with imprisonment for a term which may extend to five years, to which fine may be added.

Punishment for making or possessing explosives under suspicious circumstances.

6. Any person who by the supply of or solicitation for money, the providing of premises, the supply of materials, or in any manner whatsoever, procures, counsels, aids, abets, or is accessory to, the commission of any offence under this Act shall be punished with the punishment provided for the offence.

Punishment of abettors.

7. No Court shall proceed to the trial of any person for an offence against this Act except with the consent of the Local Government or the Governor General in Council.

Restriction on trial of offences.

Statement of Objects and Reasons.

Recent events have brought prominently to notice the inadequacy of the existing law to deal with crimes committed by means of explosive substances. The Indian Explosives Act, 1884, was framed to prevent accidents rather than to prevent crime and its provisions are clearly inadequate to meet the present emergency. No sentence of imprisonment can be imposed under that Act and the maximum penalty is only a fine of three thousand rupees. The Indian Arms Act, 1878, though it applies to the possession of explosives as well as arms, is also inadequate in respect both of the penalties it allows and the scope of its provisions for dealing promptly with preparations to manufacture bombs and other explosives. The Penal Code provides for the punishment of persons who cause hurt or mischief by means of explosive substances and it also deals with attempts to cause hurt or mischief but only when any act towards the commission of the offence is actually done. But it does not provide any penalty for making or possessing explosive substances with unlawful intent and it does not in other cases always provide such severe penalties as are requisite. The Governor-General in Council therefore considers it necessary to supplement the existing law by an Act on the lines of the English Explosive Substances Act, 1883, which was enacted for the express purpose of dealing with anarchist crimes. The Bill which has been drafted to give effect to this decision provides for the punishment of any person who causes an explosion likely to endanger life or property, or who attempts to cause such an explosion, or makes or has in his possession any explosive substance with intent to endanger life or property. It further makes the manufacture or possession of explosive substances for any other than a lawful object a substantive offence and throws on the person who makes or is in possession of any explosive substance the onus of proving that the making or possession was lawful. It also provides adequately for the punishment both of principals and accessories.

H. ADAMSON.

The 6th June 1908.

J. M. MACPHERSON,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 8th June, 1908, and is hereby promulgated for general information :—

ACT NO. VII OF 1908.

An Act for the prevention of incitements to murder and to other offences in newspapers.

WHEREAS it is expedient to make better provision for the prevention of incitements to murder and to other offences in newspapers; It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Newspapers (Incitements to offences) Act, 1908.

(2) It extends to the whole of British India.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "Magistrate" means a District Magistrate or Chief Presidency Magistrate :

(b) "newspaper" means any periodical work containing public news or comments on public news :

(c) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing.

(2) Save as herein otherwise provided all words and expressions in this Act shall have the same meanings as those respectively assigned to them in the Code of Criminal Procedure, 1898.

Power to forfeit printing presses in certain cases.

3. (1) In cases where, upon application made by, order of or under authority from the Local Government, a Magistrate is of opinion that a newspaper printed and published within the Province contains any incitement to murder or to any offence under the Explosive Substances Act, 1908, or to any act of violence, such Magistrate may make a conditional order declaring the printing press used, or intended to be used, for the purpose of printing or publishing such newspaper, or found in or upon the premises where such newspaper is, or at the time of the printing of the matter complained of was, printed and all copies of such newspaper, wherever found, to be forfeited to His Majesty, and shall in such order state the material facts and call on all persons concerned to appear before him, at a time and place to be fixed by the order, to show cause why the order should not be made absolute.

(2) A copy of such order shall be fixed on some conspicuous part of the premises specified in the declaration made in respect of such newspaper under section 5 of the Press and Registration of Books Act, 1867, or of any other premises in which such newspaper is printed, and the affixing of such copy shall be deemed to be due service of the said order on all persons concerned.

(3) In cases of emergency or in cases where the purposes of the application might be defeated by delay, the Magistrate may, on or after the making of a conditional order under sub-section (1), make a further order *ex parte* for the attachment of the printing press or other property referred to in the conditional order.

(4) If any person concerned appears and shows cause against the conditional order, the Magistrate shall take evidence, whether in support of or in opposition to such order, in manner provided in section 356 of the Code of Criminal Procedure, 1898.

(5) If the Magistrate is satisfied that the newspaper contains matter of the nature specified in sub-section (1), he shall make the conditional order of forfeiture absolute in respect of such property as he may find to be within the terms of the said sub-section.

(6) If the Magistrate is not so satisfied, he shall set aside the conditional order of forfeiture and the order of attachment, if any.

Power to seize.

4. (1) The Magistrate may by warrant empower any Police-officer not below the rank of a Sub-Inspector to seize and detain any property ordered to be attached under section 3, sub-section (3), or to seize and carry away any property ordered to be forfeited under section 3, sub-section (5), wherever found and to enter upon and search for such property in any premises—

(a) where the newspaper specified in such warrant is printed or published, or

(b) where any such property may be or may be reasonably suspected to be, or

(c) where any copy of such newspaper is kept for sale, distribution, publication or public exhibition or reasonably suspected to be so kept.

(2) Every warrant issued under sub-section (1) so far as it relates to a search shall be executed in manner provided for the execution of search warrants by the Code of Criminal Procedure, 1898.

Appeal.

5. Any person concerned who has appeared and shown cause against a conditional order of forfeiture may appeal to the High Court within fifteen days from the date when such order is made absolute.

Bar of other proceedings.

6. Save as provided in section 5, no order duly made by a Magistrate under section 3 shall be called in question in any Court.

Power to annul declaration under Press and Registration of Books Act, 1867.

7. Where an order of forfeiture has been made absolute in relation to any newspaper the Local Government may, by notification in the local official Gazette, annul any declaration made by the printer or publisher of such newspaper under the Press and Registration of Books Act, 1867, and may by such notification prohibit any further declaration being made or subscribed

under the said Act in respect of the said newspaper, or of any newspaper which is the same in substance as the said newspaper, until such prohibition be withdrawn.

Penalty.

8. Any person who prints or publishes any newspaper specified in any prohibition notified under section 7 during the continuance of that prohibition shall be liable, on conviction, to the penalties prescribed by section 15 of the Press and Registration of Books Act, 1867.

Application of Code of Criminal Procedure.

9. All proceedings under this Act shall be conducted so far as may be in accordance with the provisions of the Code of Criminal Procedure, 1898.

Operation of other laws not barred.

10. No proceedings taken under this Act shall operate to prevent any person from being prosecuted for any act which constitutes an offence under any other law.

Statement of Objects and Reasons.

The circumstances of the recent outrages by means of explosive substances have disclosed a close connexion between the perpetrators of such outrages and certain newspapers which have from time to time published criminal incitements. Experience has shown that prosecution under the existing law is inadequate to prevent the publication of these incitements. In the case of one newspaper, persons registered as printer and publisher have been within a comparatively short period prosecuted and convicted several times, while the real authors of the incitements have concealed their identity. This newspaper notwithstanding these prosecutions continues to exist and to pursue its criminal course. Nor is it a solitary instance of the kind.

It has therefore become necessary to make better provision for the prevention of such incitements in newspapers. The scope of the present Bill is confined to incitements to murder, to offences under the Explosive Substances Act, 1908, and to acts of violence. It gives power in such cases to confiscate the printing press used in the production of the newspaper, and to stop the lawful issue of the newspaper.

The procedure adopted in the Bill follows the general lines of that provided in the Code of Criminal Procedure for dealing with public nuisances, with the important addition that the final order of the Magistrate directing the forfeiture of the press is appealable to the High Court within fifteen days. It is further provided that no action can be taken against a press save on the application of a Local Government.

When an order of forfeiture has been made by the Magistrate, but only in that case, the local Government is empowered to annul the declaration made by the printer and publisher of the newspaper under the Press and Registration of Books Act, 1867, and thereafter neither that newspaper nor any other which is the same in substance can be published without a breach of the law.

It is also provided that no proceedings taken under the Bill shall bar the prosecution of any person for any act which constitutes an offence under any other law.

The 6th June 1908. H. ADAMSON.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JUNE 19, 1908.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 8th June, 1908 :

NO. 5 OF 1908.

A Bill to make special provision for the payment of duty on salt in certain cases.

WHEREAS it is expedient to make special provision for the payment of duty on salt in certain cases; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Indian Salt-duties Act, 190 ; and

(*2*) It extends to the whole of British India.

Payment of duty in certain cases.

2. Where by any enactment any duty is imposed on any salt manufactured in or imported into or transported within British India, the Governor General in Council or the Local Government may, by notification in the official Gazette, make rules providing for the payment of such duty within a period not exceeding six months from the date on which payment is due, and for the furnishing of security for such payment; and salt may be manufactured, imported or transported in accordance with rules so made as if the duty payable thereon had been paid.

STATEMENT OF OBJECTS AND REASONS.

UNDER the credit system for the payment of duty on salt which prevails in Madras and Bombay, salt is issued to merchants without requiring them to make immediate payment of the duty; the procedure being that they execute a bond and deposit securities and that their accounts are made up and settled periodically. The Salt Committee of 1904 recommended that a similar system should be adopted in the areas of Bengal in which there is no water communication; and the Governments of Bengal and Eastern Bengal and Assam have expressed themselves in favour of its introduction.

2. In Madras and Bombay the system has been found of value in facilitating the distribution of salt and in reducing its price to the consumer. The Government of India consider therefore that its extension to other parts of India is desirable. They do not propose to restrict it to the areas contemplated by the Salt Committee, but would allow any Local Government to adopt the credit system within its territories, and to make the necessary rules and conditions. The present Bill has been framed to permit of this.

The 28th May 1908.

E. N. BAKER.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, JULY 24, 1908.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 10th July, 1908 :

No. 8 of 1908.

A Bill further to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient further to amend the Indian Emigration Act, 1883; It is hereby enacted as follows : XXI of 1883.

Short title.

1. This Act may be called the Indian Emigration (Amendment) Act, 1908.

XXI of 1883.

Meaning of "India" in Act XXI of 1883.

X of 1897.

2. In the Indian Emigration Act, 1883, the word "India" wherever it occurs, shall bear the meaning given to it by clause (27) of section 3 of the General Clauses Act, 1897.

XXI of 1883.

Omission of proviso in section 6 of Act XXI of 1883.

3. In section 6 of the Indian Emigration Act, 1883, the proviso to clause (2) shall be omitted.

Insertion of new section after section 6 of Act XXI of 1883.

4. After section 6 of the said Act the following section shall be inserted, namely :

Determination of certain doubts.

"6A. In case of any doubt or dispute as to whether a person should be deemed—

(i) to emigrate, or

(ii) to be a native of India,

within the meaning of this Act, the question shall be determined by such person and in such manner as the Governor General in Council may from time to time, by rules made under this Act, direct, and such determination shall be final."

Amendment of section 18 (1) of Act XXI of 1883.

5. In section 18, sub-section (1), of the said Act :

(*a*) for the words "a Medical Inspector" the words "one or more Medical Inspectors" shall be substituted ;

(*b*) after the word "lawful" the words "and may apportion their respective duties" shall be inserted; and

(*c*) for the word "him" the word "them" shall be substituted.

Addition of new clause in section 80 (1) of Act XXI of 1883.

6. In section 80, sub-section (1), the word "and", where it last occurs in clause (*p*), shall be omitted, and after the said clause the following shall be inserted, namely :

"(*pp*) to prescribe the person by whom any doubt or dispute referred to in section 6A shall be determined and the procedure to be followed and the proof to be required in such cases; and".

STATEMENT OF OBJECTS AND REASONS.

ATTENTION was recently drawn to a case in which certain Portuguese native subjects of Damaun were refused permission to embark from the port of Bombay under engagement to work in Lourenço Marques, to which country emigration is not lawful under section 8 (1) of the Indian Emigration Act, 1883. The refusal was based on the ground that the term "native of India" in the Act included native subjects of foreign settlements. It is considered desirable to remedy the anomalous state of the law under which subjects of a friendly Power may be subjected to vexatious restrictions under the terms of an Act designed for the protection of British Indian subjects. With this object clause 2 of the Bill defines the term "India" so as to exclude from its meaning all foreign settlements in that country. The clause will permit of the embarkation of native subjects of foreign Powers from British Indian ports under circumstances such as those in the case referred to. It will also enable them, notwithstanding anything in section 105 of the Act, to depart

by land out of British India for the purpose of entering into an agreement to labour for hire in any country beyond the sea. Clauses 4 and 6 of the Bill are enacted with a view to a provision being made by rule against possible evasions of the Act by British Indians under pretence of being foreign subjects. Clause 3 is a necessary complement of clause 4.

2. It is further proposed to take this opportunity to amend section 18 of the Act so as to enable Local Governments to appoint one or more Medical Inspectors. The existing provision which permits the appointment of only one Inspector has been found defective in that it does not take into account the possibility of the Inspector being unavoidably absent at the time when medical examination of emigrants has to take place. Clause 5 of the Bill effects this object.

The 7th July 1908. W. L. HARVEY.

J. M. MACPHERSON,
Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 21, 1908.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 7th August, 1908, and is hereby promulgated for general information.

ACT IX OF 1908.

[AS PASSED IN COUNCIL.]

THE INDIAN LIMITATION ACT, 1908.

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An Act to Consolidate and amend the law for the Limitation of Suits, and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Indian Limitation Act, 1908.

(*2*) It extends to the whole of British India; and

(*3*) This section and section 31 shall come into force at once. The rest of this Act shal come into force on the first day of January, 1909.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "applicant" includes any person from or through whom an applicant derives his right to apply:

(*2*) "bill of exchange" includes a hundi and a cheque:

(3) "bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

(*4*) "defendant" includes any person from or through whom a defendant derives his liability to be sued:

(*5*) "easement" includes a right not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing in, or attached to, or subsisting upon, the land of another:

(*6*) "foreign country" means any country other than British India:

(*7*) "good faith": nothing shall be deemed to be done in good faith which is not done with due care and attention:

(*8*) "plaintiff" includes any person from or through whom a plaintiff derives his right to sue:

(*9*) "promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

(*10*) "suit" does not include an appeal or an application: and

(*11*) "trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Dismissal of suits, etc., instituted etc., after period of limitation.

3. Subject to the provisions contained in sections 4 to 25 (inclusive), every suit instituted, appeal preferred, and application made, after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is made; and, in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

Where Court is closed when period expires.

4. Where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day that the Court re-opens.

Extension of period in certain cases.

5. Any appeal or application for a review of judgment or for leave to appeal or any other application to which this section may be made applicable by any enactment or rule for the time being in force may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

Legal disability.

6. (*1*) Where a person entitled to institute a suit or make an application for the execution of a decree is, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the

The Indian Limitation Act, 1908.

(Part II.—Limitation of Suits, Appeals and Applications. Part III.—Computation of Period of Limitation.)

disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the first schedule.

(*2*) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

(*3*) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after the death as would otherwise have been allowed from the time so prescribed.

(*4*) Where such representative is at the date of the death affected by any such disability, the rules contained in sub-sections (*1*) and (*2*) shall apply.

Illustrations.

(*a*) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accruer. He may institute his suit at any time within three years from the date of his attaining majority.

(*b*) A right to sue accrues to Z during his minority. After the accruer but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(*c*) A right to sue accrues to X during his minority. X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

Disability of one of several plaintiffs or applicants.

7. Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any such disability, and a discharge can be given without the concurrence of such person, time will run against them all: but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disabilility has ceased.

Illustrations.

(*a*) A incurs a debt to a firm of which B, C and D are partners B is insane, and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(*b*) A incurs a debt to a firm of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

Special exceptions.

8. Nothing in section 6 or in section 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

Illustrations.

(*a*) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under section 6 and this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(*b*) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accruer A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under section 6 read with this section.

(*c*) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. Section 6 read with this section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

Continuous running of time.

9. Where once time has begun to run, no subsequent disability or inability to sue stops it:

Provided that, where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

Suits against express trustees and their representatives.

10 Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, or the proceeds thereof, or for an account of such property or proceeds, shall be barred by any length of time.

Suits on foreign contracts.

11. (*1*) Suits instituted in British India on contracts entered into in a foreign country are subject to the rules of limitation contained in this Act.

(*2*) No foreign rule of limitation shall be a defence to a suit instituted in British India on a contract entered into in a foreign country, unless the rule has extinguished the contract and the parties were domiciled in such country during the period prescribed by such rule.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

Exclusion of time in legal proceedings.

12. (*1*) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

(*2*) In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded.

(*3*) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

(*4*) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

The Indian Limitation Act, 1908.

(*Part III.—Computation of Period of Limitation.*)

Exclusion of time of defendant's absence from British India and certain other territories.

13. In computing the period of limitation prescribed for any suit the time during which the defendant has been absent from British India and from the territories beyond British India under the administration of the Government shall be excluded.

Exclusion of time of proceeding *bonâ fide* in Court without jurisdiction.

14. (*1*) In computing the period of limitation prescribed for any suit the time during which the plaintiff has been prosecuting with due diligence another civil proceeding whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(*2*) In computing the period of limitation prescribed for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

Explanation I.—In excluding the time during which a former suit or application was pending, the day on which that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

Explanation II.—For the purposes of this section, a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding.

Explanation III.—For the purposes of this section, misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

Exclusion of time during which proceedings are suspended.

15. (*1*) In computing the period of limitation prescribed for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded.

(*2*) In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment for the time being in force, the period of such notice shall be excluded.

Exclusion of time during which proceedings to set aside execution sale are pending.

16. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which a proceeding to set aside the sale has been prosecuted shall be excluded.

Effect of death before right to sue accrues.

17. (*1*) Where a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(*2*) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(*3*) Nothing in sub-sections (*1*) and (*2*) applies to suits to enforce rights of pre-emption or to suits for the possession of immoveable property or of an hereditary office.

Effect of fraud.

18. Where any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded,

or where any document necessary to establish such right has been fraudulently concealed from him,

the time limited for instituting a suit or making an application—

(*a*) against the person guilty of the fraud or accessory thereto, or

(*b*) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document when he first had the means of producing it or compelling its production.

Effect of acknowledgment in writing.

19. (*1*) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of such property or right has been made in writing signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

(*2*) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but, subject to the provisions of the Indian Evidence Act, 1872, oral evidence of its contents shall not be received. I of 1

Explanation I.—For the purposes of this section an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation II.—For the purposes of this section, "signed" means signed either personally or by an agent duly authorized in this behalf.

Explanation III.—For the purposes of this section an application for the execution of a decree or order is an application in respect of a right.

The Indian Limitation Act, 1908.

(Part III.—Computation of Period of Limitation. Part IV.—Acquisition of Ownership by Possession.)

Effect of payment of interest as such or of part payment of principal.

20. (*1*) Where interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf,

or where part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

a fresh period of limitation shall be computed from the time when the payment was made:

Provided that, in the case of part payment of the principal of a debt, the fact of the payment appears in the handwriting of the person making the same.

Effect of receipt of produce of mortgaged land.

(*2*) Where mortgaged land is in the possession of the mortgagee the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of sub-section (*1*).

Explanation.—Debt includes money payable under a decree or order of Court.

Agent of person under disability.

21. (*1*) The expression "agent duly authorized in this behalf," in sections 19 and 20, shall, in the case of a person under disability, include his lawful guardian, committee or manager, or an agent duly authorized by such guardian, committee or manager to sign the acknowledgment or make the payment.

Acknowledgment or payment by one of several joint contractors, etc.

(*2*) Nothing in the said sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of a payment made by, or by the agent of, any other or others of them.

Effect of substituting or adding new plaintiff or defendant.

22. (*1*) Where, after the institution of a suit a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

(*2*) Nothing in sub-section (*1*) shall apply to a case where a party is added or substituted owing to an assignment or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.

Continuing breaches and wrongs.

23. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Suit for compensation for act not actionable without special damage.

24. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

Illustration.

A owns the surface of a field. B owns the subsoil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of a suit by A against B runs from the time of the subsidence.

Computation of time mentioned in instruments.

25. All instruments shall, for the purposes of this Act, be deemed to be made with reference to the Gregorian calendar.

Illustrations.

(*a*) A Hindu makes a promissory note bearing a Native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiration of four months after date computed according to the Gregorian calendar.

(*b*) A Hindu makes a bond, bearing a Native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiration of one year after date computed according to the Gregorian calendar.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

Acquisition of right to easements.

26. (*1*) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

(*2*) Where the property over which a right is claimed under sub-section (*1*) belongs to Government, that sub-section shall be read as if for the words "twenty years" the words "sixty years" were substituted.

Explanation.—Nothing is an interruption within the meaning of this section unless, where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Illustrations.

(*a*) A suit is brought in 1911 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption from 1st January 1890 to 1st January 1910. The plaintiff is entitled to judgment.

(*b*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff, on one occasion during the twenty years, had asked his leave to enjoy the right. The suit shall be dismissed.

Exclusion in favour of reversioner of servient tenement.

27. Where any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the

4-*b*

The Indian Limitation Act, 1908.

(Part IV.—Acquisition of Ownership by Possession. Part V.—Savings and Repeals. The First Schedule.—First Division: Suits.)

granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Extinguishment of right to property.

28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

PART V.

SAVINGS AND REPEALS.

Savings.

29. (*1*) Nothing in this Act shall—

IX of 1872. (*a*) affect the Indian Contract Act, 1872, section 25:

(*b*) affect or alter any period of limitation specially prescribed for any suit, appeal or application by any special or local law now or hereafter in force in British India.

(*2*) Nothing in this Act shall apply to suits under the Indian Divorce Act. IV of 1869.

(*3*) Sections 26 and 27 and the definition of "easement" in section 2 shall not apply to cases arising in territories to which the Indian Easements Act, 1882, may for the time being extend. V of 1882.

Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877.

30. Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Act is shorter than the period of limitation prescribed by the Indian Limitation Act, 1877, may be instituted within the period of two years next after the passing of this Act, or within the period prescribed for such suit by the Indian Limitation Act, 1877, whichever period expires first. XV of 1877.

Provision for suits by certain mortgagees in territories mentioned in the second schedule.

31. (*1*) Notwithstanding anything contained in this Act or in the Indian Limitation Act, 1877, in the territories mentioned in the second schedule a suit for foreclosure or a suit for sale by a mortgagee may be instituted within two years from the date of the passing of this Act, or within sixty years from the date when the money secured by the mortgage became due, whichever period expires first; and no such suit in the said territories instituted within the said period of sixty years and pending at the date of the passing of this Act, either in a Court of first instance or of appeal, shall be dismissed on the ground that a twelve years' rule of limitation is applicable. XV of 1877.

(*2*) Where in the aforesaid territories the claim of a mortgagee for foreclosure or for sale has been wholly or in part dismissed or withdrawn after the twenty-second day of July 1907 and before the passing of this Act, either in a Court of first instance or of appeal on the ground that a twelve years' rule of limitation applied to such claim, the case may be restored on an application in writing to the Court by which the claim was dismissed or in which it was withdrawn, provided the application is made within six months from the date of the passing of this Act: and on such restoration, the provisions of sub-section (*1*) shall apply.

Repeals.

32. The enactments mentioned in the third schedule are repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

(*See section 3.*)

FIRST DIVISION: SUITS.

Description of suit.	Period of limitation.	Time from which period begins to run.	
	Part I.—Thirty days.		
1.—To contest an award of the Board of Revenue under the Waste Lands (Claims) Act, 1863.	Thirty days	When notice of the award is delivered to the plaintiff.	XXIII 1863.
	Part II—Ninety days.		
2.—For compensation for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in British India.	Ninety days	When the act or omission takes place.	
	Part III.—Six months.		
3.—Under the Specific Relief Act, 1877, section 9, to recover possession of immoveable property.	Six months	When the dispossession occurs.	I of 1877.
4.—Under the Employers and Workmen (Disputes) Act, 1860, section 1.	Ditto . .	When the wages, hire or price of work claimed accrue or accrues due.	IX of 1860.
5.—Under the summary procedure referred to in section 128 (2) (*f*) of the Code of Civil Procedure, 1908.	Ditto . .	When the debt or liquidated demand becomes payable or when the property becomes recoverable.	V of 1908.
	Part IV.—One year.		
6.—Upon a Statute, Act, Regulation or Bye-law, for a penalty or forfeiture.	One year .	When the penalty or forfeiture is incurred.	
7.—For the wages of a household servant, artisan or labourer not provided for by this schedule, article 4.	Ditto . .	When the wages accrue due.	
8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging-house.	Ditto . .	When the food or drink is delivered.	
9.—For the price of lodging	Ditto . .	When the price becomes payable.	

The Indian Limitation Act, 1908.

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part IV.—One year— contd.	
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	One year .	When the purchaser takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.
11.—By a person, against whom any of the following orders has been made to establish the right which he claims to the property comprised in the order : (1) Order under the Code of Civil Procedure, 1908, on a claim preferred to, or an objection made to the attachment of, property attached in execution of a decree ; [V of 1908.] (2) Order under section 28 of the Presidency Small Cause Courts Act, 1882. [V of 1882.]	Ditto .	The date of the order.
11A.—By a person against whom an order has been made under the Code of Civil Procedure, 1908, upon an application by the holder of a decree for the possession of immoveable property or by the purchaser of such property sold in execution of a decree, complaining of resistance or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser, to establish the right which he claims to the present possession of the property comprised in the order.	Ditto .	The date of the order.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part IV.—One year— contd.	
12.—To set aside any of the following sales :— (*a*) sale in execution of a decree of a Civil Court ; (*b*) sale in pursuance of a decree or order of a Collector or other officer of revenue ; (*c*) sale for arrears of Government revenue, or for any demand recoverable as such arrears ; (*d*) sale of a patni taluq sold for current arrears of rent. *Explanation.*—In this article "patni" includes any intermediate tenure saleable for current arrears of rent.	One year .	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
13.—To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	Ditto .	The date of the final decision or order in the case by a Court competent to determine it finally.
14.—To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.	Ditto .	The date of the act or order.
15.—Against Government to set aside any attachment, lease or transfer of immoveable property by the revenue-authorities for arrears of Government revenue.	Ditto .	When the attachment, lease or transfer is made.
16.—Against Government to recover money paid under protest in satisfaction of a claim made by the revenue-authorities on account of arrears of revenue or on account of demands recoverable as such arrears.	Ditto .	When the payment is made.
17.—Against Government for compensation for land acquired for public purposes.	Ditto .	The date of determining the amount of the compensation.

The Indian Limitation Act, 1908.

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

	Description of suit.	Period of limitation.	Time from which period begins to run.
		Part IV.—One year—contd.	
	18.—Like suit for compensation when the acquisition is not completed	One year .	The date of the refusal to complete.
	19.—For compensation for false imprisonment.	Ditto .	When the imprisonment ends.
XII of 1855.	20.—By executors, administrators or representatives under the Legal Representatives' Suits Act, 1855.	Ditto .	The date of the death of the person wronged.
XIII of 1855.	21.—By executors, administrators or representatives under the Indian Fatal Accidents Act, 1855.	Ditto .	The date of the death of the person killed.
	22.—For compensation for any other injury to the person.	Ditto .	When the injury is committed.
	23.—For compensation for a malicious prosecution.	Ditto .	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
	24.—For compensation for libel.	Ditto .	When the libel is published.
	25.—For compensation for slander.	Ditto .	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.
	26.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto .	When the loss occurs.
	27.—For compensation for inducing a person to break a contract with the plaintiff.	Ditto .	The date of the breach.
	28.—For compensation for an illegal, irregular or excessive distress.	Ditto .	The date of the distress.
	29.—For compensation for wrongful seizure of moveable property under legal process.	Ditto .	The date of the seizure.
	30.—Against a carrier for compensation for losing or injuring goods.	Ditto .	When the loss or injury occurs.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.	
	Part IV.—One year—concld.		
31.—Against a carrier for compensation for non-delivery of, or delay in delivering, goods.	One year .	When the goods ought to be delivered.	
	Part V.—Two years.		
32.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Two years .	When the perversion first becomes known to the person injured thereby.	
33.—Under the Legal Representatives' Suits Act, 1855, against an executor.	Ditto .	When the wrong complained of is done.	XII of
34.—Under the same Act against an administrator.	Ditto .	Ditto.	
35.—Under the same Act against any other representative.	Ditto .	Ditto.	
36.—For compensation for any malfeasance, misfeasance or nonfeasance independent of contract and not herein specially provided for.	Ditto .	When the malfeasance, misfeasance or nonfeasance takes place.	
	Part VI.—Three years.		
37.—For compensation for obstructing a way or a watercourse.	Three years .	The date of the obstruction.	
38.—For compensation for diverting a watercourse.	Ditto .	The date of the diversion.	
39.—For compensation for trespass upon immoveable property.	Ditto .	The date of the trespass.	
40.—For compensation for infringing copyright or any other exclusive privilege.	Ditto .	The date of the infringement.	
41.—To restrain waste .	Ditto .	When the waste begins.	
42.—For compensation for injury caused by an injunction wrongfully obtained.	Ditto .	When the injunction ceases.	
43.—Under the Indian Succession Act, 1865, section 320 or section 321, or under the Probate and Administration Act, 1881, section	Ditto .	The date of the payment or distribution	X o V o

The Indian Limitation Act, 1908.

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI.—Three years—contd.	
139 or section 140, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.		
44.—By a ward who has attained majority, to set aside a transfer of property by his guardian.	Three years .	When the ward attains majority.
45.—To contest an award under any of the following Regulations of the Bengal Code :— The Bengal Land-revenue Settlement Regulation, 1822. (VII of 1822.) The Bengal Land-revenue Settlement Regulation, 1825. (IX of 1825.) The Bengal Land-revenue (Settlement and Deputy Collectors) Regulation, 1833. (IX of 1833.)	Ditto .	The date of the final award or order in the case.
46.—By a party bound by such award to recover any property comprised therein.	Ditto .	The date of the final award or order in the case.
47.—By any person bound by an order respecting the possession of immoveable property made under the Code of Criminal Procedure, 1898, (V of 1898.) or the Mamlatdars' Courts Act, 1906, (Bom. II of 1906.) or by any one claiming under such person, to recover the property comprised in such order.	Ditto .	The date of the final order in the case.
48.—For specific moveable property lost, or acquired by theft, or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.	Ditto .	When the person having the right to the possession of the property first learns in whose possession it is.
49.—For other specific moveable property, or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Ditto .	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI—Three years—contd.	
50.—For the hire of animals, vehicles, boats or house-hold furniture.	Three years .	When the hire becomes payable.
51.—For the balance of money advanced in payment of goods to be delivered.	Ditto .	When the goods ought to be delivered.
52.—For the price of goods sold and delivered, where no fixed period of credit is agreed upon.	Ditto .	The date of the delivery of the goods.
53.—For the price of goods sold and delivered to be paid for after the expiry of a fixed period of credit.	Ditto .	When the period of credit expires.
54.—For the price of goods sold and delivered to be paid for by a bill of exchange, no such bill being given.	Ditto .	When the period of the proposed bill elapses.
55.—For the price of trees or growing crops sold by the plaintiff to the defendant where no fixed period of credit is agreed upon.	Ditto .	The date of the sale.
56.—For the price of work done by the plaintiff for the defendant at his request, where no time has been fixed for payment.	Ditto .	When the work is done.
57.—For money payable for money lent.	Ditto .	When the loan is made.
58.—Like suit when the lender has given a cheque for the money.	Ditto .	When the cheque is paid.
59.—For money lent under an agreement that it shall be payable on demand.	Ditto .	When the loan is made.
60.—For money deposited under an agreement that it shall be payable on demand, including money of a customer in the hands of his banker so payable.	Ditto .	When the demand is made.
61—For money payable to the plaintiff for money paid for the defendant.	Ditto .	When the money is paid.

The Indian Limitation Act, 1908.

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI— *Three years—* contd.	
62.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Three years .	When the money is received.
63.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto .	When the interest becomes due.
64.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto .	When the accounts are stated in writing signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.
65.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto .	When the time specified arrives or the contingency happens.
66.—On a single bond, where a day is specified for payment.	Ditto .	The day so specified.
67.—On a single bond, where no such day is specified.	Ditto .	The date of executing the bond.
68.—On a bond subject to a condition.	Ditto .	When the condition is broken.
69.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto .	When the bill or note falls due.
70.—On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Ditto .	When the bill is presented.
71.—On a bill of exchange accepted payable at a particular place.	Ditto .	When the bill is presented at that place.
72.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto .	When the fixed time expires.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI— *Three years—* contd.	
73.—On a bill of exchange or promissory note payable on demand and not accompanied by any writing restraining or postponing the right to sue.	Three years .	The date of the bill or note.
74.—On a promissory note or bond payable by instalments.	Ditto	The expiration of the first term of payment as to the part then payable; and for the other parts, the expiration of the respective terms of payment.
75.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one or more instalments, the whole shall be due.	Ditto .	When the default is made, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto .	The date of the delivery to the payee.
77.—On a dishonoured foreign bill, where protest has been made and notice given.	Ditto .	When the notice is given.
78.—By the payee against the drawer of a bill of exchange, which has been dishonoured by non-acceptance.	Ditto .	The date of the refusal to accept.
79.—By the acceptor of an accommodation-bill against the drawer.	Ditto .	When the acceptor pays the amount of the bill.
80.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Ditto .	When the bill, note or bond becomes payable.
81.—By a surety against the principal debtor.	Ditto .	When the surety pays the creditor.

The Indian Limitation Act, 1908.

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI.— *Three years*—contd.	
82.—By a surety against a co-surety.	Three years	When the surety pays anything in excess of his own share.
83.—Upon any other contract to indemnify.	Ditto .	When the plaintiff is actually damnified.
.—By an attorney or vakil for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto .	The date of the termination of the suit or business, or (where the attorney or vakil properly discontinues the suit or business) the date of such discontinuance.
5.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto .	The close of the year in which the last item admitted or proved is entered in the account; such year to be computed as in the account.
86.—On a policy of insurance, when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Ditto .	When proof of the death or loss is given or received to or by the insurer, whether by or from the plaintiff, or any other person.
87.—By the assured to recover premia paid under a policy voidable at the election of the insurers.	Ditto .	When the insurers elect to avoid the policy.
88.—Against a factor for an account.	Ditto .	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.
89.—By a principal against his agent for moveable property received by the latter and not accounted for.	Ditto .	Ditto.
90.—Other suits by principals against agents for neglect or misconduct.	Ditto .	When the neglect or misconduct becomes known to the plaintiff.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS.—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI.— *Three years*—contd.	
91.—To cancel or set aside an instrument not otherwise provided for.	Three years	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
92.—To declare the forgery of an instrument issued or registered.	Ditto .	When the issue or registration becomes known to the plaintiff.
93.—To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Ditto .	The date of the attempt.
94.—For property which the plaintiff has conveyed while insane.	Ditto .	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
95.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Ditto .	When the fraud becomes known to the party wronged.
96.—For relief on the ground of mistake.	Ditto .	When the mistake becomes known to the plaintiff.
97.—For money paid upon an existing consideration which afterwards fails.	Ditto .	The date of the failure.
98.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto .	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.
99.—For contribution by a party who has paid the whole or more than his share of the amount due under a joint decree, or by a sharer in a joint estate who has paid the whole or more than his share of the amount of revenue due from himself and his co-sharers.	Ditto .	The date of the payment in excess of the plaintiff's own share.

The Indian Limitation Act, 1908.

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI.—Three years—contd.	
100.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Three years	When the right to contribution accrues.
101.—For a seaman's wages	Ditto .	The end of the voyage during which the wages are earned.
102.—For wages not otherwise expressly provided for by this schedule.	Ditto .	When the wages accrue due.
103.—By a Muhammadan for exigible dower (*mu'ajjal*).	Ditto .	When the dower is demanded and refused or (where, during the continuance of the marriage, no such demand has been made) when the marriage is dissolved by death or divorce.
104.—By a Muhammadan for deferred dower (*mu'wajjal*).	Ditto .	When the marriage is dissolved by death or divorce.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto .	When the mortgagor re-enters on the mortgaged property.
106.—For an account and a share of the profits of a dissolved partnership.	Ditto .	The date of the dissolution.
107.—By the manager of a joint estate of an undivided family for contribution, in respect of a payment made by him on account of the estate.	Ditto .	The date of the payment.
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto .	When the trees are cut down.

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VI.—Three years—concld.	
109.—For the profits of immoveable property belonging to the plaintiff which have been wrongfully received by the defendant.	Three years	When the profits are received.
110.—For arrears of rent .	Ditto .	When the arrears become due.
111.—By a vendor of immoveable property for personal payment of unpaid purchase-money	Ditto .	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion) the date of the acceptance.
112.—For a call by a company registered under any Statute or Act.	Ditto .	When the call is payable.
113.—For specific performance of a contract.	Ditto .	The date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused.
114.—For the rescission of a contract.	Ditto .	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
115.—For compensation for the breach of any contract, express or implied, not in writing registered and not herein specially provided for.	Ditto .	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.

The Indian Limitation Act, 1908.

(*The First Schedule.—First Division : Suits.*)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VII.—Six years.	
116.—For compensation for the breach of a contract in writing registered.	Six years .	When the period of limitation would begin to run against a suit brought on a similar contract not registered.
117.—Upon a foreign judgment as defined in the Code of Civil Procedure, 1908. (V of 1908.)	Ditto .	The date of the judgment.
118.—To obtain a declaration that an alleged adoption is invalid, or never, in fact, took place.	Ditto .	When the alleged adoption becomes known to the plaintiff.
119.—To obtain a declaration that an adoption is valid.	Ditto .	When the rights of the adopted son, as such, are interfered with.
120.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto .	When the right to sue accrues.
	Part VIII.—Twelve years.	
121.—To avoid incumbrances or under-tenures in an entire estate sold for arrears of Government revenue, or in a patni taluq or other saleable tenure sold for arrears of rent.	Twelve years.	When the sale becomes final and conclusive.
[illegible]—Upon a judgment obtained in British India or a recognisance.	Ditto .	The date of the judgment or recognisance.
123.—For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.	Ditto .	When the legacy or share becomes payable or deliverable.
	Part VIII.—Twelve years—contd.	
124.—For possession of an hereditary office.	Twelve years	When the defendant takes possession of the office adversely to the plaintiff. *Explanation.*—An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.
125.—Suit during the life of a Hindu or Muhammadan female by a Hindu or Muhammadan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her re-marriage.	Ditto .	The date of the alienation.
126.—By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.	Ditto .	When the alienee takes possession of the property.
127.—By a person excluded from joint family property, to enforce a right to share therein.	Ditto .	When the exclusion becomes known to the plaintiff.
128.—By a Hindu for arrears of maintenance.	Ditto .	When the arrears are payable.
129.—By a Hindu for a declaration of his right to maintenance.	Ditto .	When the right is denied.
130.—For the resumption or assessment of rent-free land.	Ditto .	When the right to resume or assess the land first accrues.
131.—To establish a periodically recurring right.	Ditto .	When the plaintiff is first refused the enjoyment of the right

The Indian Limitation Act, 1908.

(The First Schedule.—First Division : Suits.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION : SUITS—*contd.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part VIII.—Twelve years.—contd.	
132.—To enforce payment of money charged upon immoveable property.	Twelve years.	When the money sued for becomes due.
Explanation.—The allowance and fees respectively called *malikana* and *haqqs* shall, for the purpose of this article, be deemed to be money charged upon immoveable property.		
133.—To recover moveable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depositary or pawnee for a valuable consideration.	Ditto .	The date of the purchase.
134.—To recover possession of immoveable property conveyed or bequeathed in trust or mortgaged and afterwards transferred by the trustee or mortgagee for a valuable consideration.	Ditto .	The date of the transfer.
135.—Suit instituted in a Court not established by Royal Charter by a mortgagee for possession of immoveable property mortgaged.	Ditto .	When the mortgagor's right to possession determines.
136.—By a purchaser at a private sale for possession of immoveable property sold when the vendor was out of possession at the date of the sale.	Ditto .	When the vendor is first entitled to possession.
137.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was out of possession at the date of the sale.	Ditto .	When the judgment-debtor is first entitled to possession.
	Part VIII.—Twelve years—concld.	
138.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was in possession at the date of the sale.	Twelve years.	The date when the sale becomes absolute.
139.—By a landlord to recover possession from a tenant.	Ditto .	When the tenancy is determined.
140.—By a remainderman, a reversioner (other than a landlord) or a devisee, for possession of immoveable property.	Ditto .	When his estate falls into possession.
141.—Like suit by a Hindu or Muhammadan entitled to the possession of immoveable property on the death of a Hindu or Muhammadan female.	Ditto .	When the female dies.
142.—For possession of immoveable property when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Ditto .	The date of the dispossession or discontinuance.
143.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Ditto .	When the forfeiture is incurred or the condition is broken.
144.—For possession of immoveable property or any interest therein not hereby otherwise specially provided for.	Ditto .	When the possession of the defendant [illegible] comes adv[illegible] to the plaintiff[illegible]
	Part IX—Thirty years.	
145.—Against a depositary or pawnee to recover moveable property deposited or pawned.	Thirty years.	The date of the deposit or pawn.

The Indian Limitation Act, 1908.

(The First Schedule.—First Division : Suits. Second Division : Appeals.)

THE FIRST SCHEDULE—*contd.*

FIRST DIVISION: SUITS—*concld.*

Description of suit.	Period of limitation.	Time from which period begins to run.
	Part IX—Thirty years— concld.	
146.—Before a Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction by a mortgagee to recover from the mortgagor the possession of immoveable property mortgaged.	Thirty years	When any part of the principal or interest was last paid on account of the mortgage-debt.
146A.—By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it has discontinued the possession.	Ditto .	The date of the dispossession or discontinuance.
	Part X.—Sixty years.	
147.—By a mortgagee for foreclosure or sale.	Sixty years .	When the money secured by the mortgage becomes due.
148.—Against a mortgagee to redeem or to recover possession of immoveable property mortgaged.	Ditto .	When the right to redeem or to recover possession accrues: Provided that all claims to redeem arising under instruments of mortgage of immoveable property situate in Lower Burma which had been executed before the first day of May 1863, shall be governed by the rules of limitation in force in that province immediately before the same day.
149.—Any suit by or on behalf of the Secretary of State for India in Council.	Ditto .	When the period of limitation would begin to run under this Act against a like suit by a private person.

THE FIRST SCHEDULE—*contd.*

SECOND DIVISION: APPEALS.

Description of appeal.	Period of limitation.	Time from which period begins to run.	
150.—Under the Code of Criminal Procedure, 1898, from a sentence of death passed by a Court of Session.	Seven days .	The date of the sentence.	V of 1898.
151.—From a decree or order of any of the High Courts of Judicature at Fort William, Madras and Bombay or the Chief Court of the Punjab or the Chief Court of Lower Burma in the exercise of its original jurisdiction.	Twenty days.	The date of the decree or order.	
152.—Under the Code of Civil Procedure, 1908, to the Court of a District Judge.	Thirty days .	The date of the decree or order appealed from.	V of 1908.
153.—Under the same Code, to a High Court from an order of a Subordinate Court refusing leave to appeal to His Majesty in Council.	Ditto .	The date of the order.	
154.—Under the Code of Criminal Procedure, 1898, to any Court other than a High Court.	Ditto .	The date of the sentence or order appealed from.	
155.—Under the same Code, to a High Court, except in the cases provided for by article 150 and article 157.	Sixty days .	Ditto.	
156.—Under the Code of Civil Procedure, 1908, to a High Court, except in the cases provided for by article 151 and article 153.	Ninety days .	The date of the decree or order appealed from.	
157.—Under the Code of Criminal Procedure, 1898, from an order of acquittal.	Six months .	The date of the order appealed from.	

The Indian Limitation Act, 1908.

(*The First Schedule.—Third Division : Applications.*)

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS.

Description of application.	Period of limitation.	Time from which period begins to run.
V of 1908. 158.—Under the Code of Civil Procedure, 1908, to set aside an award.	Ten days .	When the award is submitted to the Court.
159.—For leave to appear and defend a suit under the summary procedure referred to in section 128 (2) (*f*) of the same Code.	Ditto. .	When the summons is served.
160.—For an order under the same Code, to restore to the file an application for review rejected in consequence of the failure of the applicant to appear when the application was called on for hearing.	Fifteen days .	When the application for review is rejected.
161.—For a review of judgment by a Provincial Court of Small Causes or by a Court invested with the jurisdiction of a Provincial Court of Small Causes when exercising that jurisdiction.	Ditto. .	The date of the decree or order.
162.—For a review of judgment by any of the High Courts of Judicature at Fort William, Madras and Bombay or the Chief Court of the Punjab, or the Chief Court of Lower Burma in the exercise of its original jurisdiction.	Twenty days	Ditto.
163.—By a plaintiff, for an order to set aside a dismissal for default of appearance or for failure to pay costs of service of process or to furnish security for costs.	Thirty days .	The date of the dismissal.
164.—By a defendant, for an order to set aside a decree passed *ex parte*.	Ditto .	The date of the decree or where the summons was not duly served, when the applicant has knowledge of the decree.
165.—Under the Code of Civil Procedure, 1908, by a person dispossessed of immoveable property, and disputing the right of the decree-holder or purchaser at a sale in execution of a decree to be put into possession	Ditto .	The date of the dispossession.
166.—Under the same Code to set aside a sale in execution of a decree.	Ditto .	The date of the sale.

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
167.—Complaining of resistance or obstruction to delivery of possession of immoveable property decreed or sold in execution of a decree.	Thirty days .	The date of the resistance or obstruction.
168.—For the readmission of an appeal dismissed for want of prosecution.	Ditto .	The date of the dismissal.
169.—For the re-hearing of an appeal heard *ex parte*.	Ditto .	The date of the decree in appeal or, where notice of the appeal was not duly served, when the applicant has knowledge of the decree.
170.—For leave to appeal as a pauper.	Ditto .	The date of the decree appealed from.
171.—Under the Code of Civil Procedure, 1908, for an order to set aside an abatement.	Sixty days .	The date of the abatement. V of 1908.
172.—Under the same Code by the assignee or the receiver of an insolvent plaintiff or appellant for an order to set aside the dismissal of a suit or an appeal.	Ditto .	The date of the order of dismissal.
173.—For a review of judgment except in the cases provided for by article 161 and article 162.	Ninety days .	The date of the decree or order.
174.—For the issue of a notice under the same Code, to show cause why any payment made out of Court of any money payable under a decree or any adjustment of the decree should not be recorded as certified.	Ditto .	When the payment or adjustment is made.
175.—For payment of the amount of a decree by instalments.	Six months .	The date of the decree.
176.—Under the same Code to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.	Ditto .	The date of the death of the deceased plaintiff or appellant.

The Indian Limitation Act, 1908.

(*The First Schedule.—Third Division : Applications.*)

THE FIRST SCHEDULE—*contd.*

THIRD DIVISION : APPLICATIONS—*contd.*

Description of application.	Period of limitation.	Time from which period begins to run.
177.—Under the same Code to have the legal representative of a deceased defendant or of a deceased respondent made a party.	Six months .	The date of the death of the deceased defendant or respondent.
178.—Under the same Code for the filing in Court of an award in a suit made in any matter referred to arbitration by order of the Court, or of an award made in any matter referred to arbitration without the intervention of a a Court.	Ditto .	The date of the award.
179.—By a person desiring to appeal under the same Code to His Majesty in Council for leave to appeal.	Ditto .	The date of the decree appealed from.
180.—By a purchaser of immoveable property at a sale in execution of a decree for delivery of possession.	Three years	When the sale becomes absolute.
181.—Applications for which no period of limitation is provided elsewhere in this schedule or by section 48 of the Code of Civil Procedure, 1908. [V] of 1908.	Ditto .	When the right to apply accrues.
182.—For the execution of a decree or order of any Civil Court not provided for by article 183 or by section 48 of the Code of Civil Procedure, 1908.	Three years or, where a certified copy of the decree or order has been registered, six years.	1. The date of the decree or order, or 2. (where there has been an appeal) the date of the final decree or order of the Appellate Court, or the withdrawal of the appeal, or 3. (where there has been a review of judgment) the date of the decision passed on the review, or 4. (where the decree has been amended) the date of amendment, or
182. For the execution of a decree or order of any Civil Court not provided for by article 183 or by section 48 of the Code of Civil Procedure, 1908—*contd.*	Three years; or, where a certified copy of the decree or order has been registered, six years.	5. (where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution, or to take some step in aid of execution, of the decree or order, or V of 1908. 6. (where the notice next hereinafter mentioned has been issued) the date of issue of notice to the person against whom execution is applied for to show cause why the decree should not be executed against him, when the issue of such a notice is required by the Code of Civil Procedure, 1908, or 7. (where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date. *Explanation I.*—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject-matter as payable or deliverable to each, the application mentioned in clause 5 of this article shall take effect in favour only of such of the said persons or their representatives as it may be made by. But where the decree or order has been passed jointly in favour of more persons than one, such application, if made by any one or more of them, or by his or their representatives, shall take effect in favour of them all.

The Indian Limitation Act, 1908.

*(The First Schedule.—Third Division : Applications.
The Second Schedule.—Territories referred to in section 31. The Third Schedule.—Enactments repealed.)*

THE FIRST SCHEDULE—*concld.*

THIRD DIVISION : APPLICATIONS—*concld.*

	Description of application.	Period of limitation.	Time from which period begins to run.
V of 1908.	182. For the execution of a decree or order of any Civil Court not provided for by article 183 or by section 48 of the Code of Civil Procedure, 1908—*concld.*	Three years; or, where a certified copy of the decree or order has been registered, six years.	Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter as payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But, where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all. *Explanation II.*—"Proper Court" means the Court whose duty it is to execute the decree or order.
	183.—To enforce a judgment, decree or order of any Court established by Royal Charter in the exercise of its ordinary original civil jurisdiction, or an order of His Majesty in Council.	Twelve years.	When a present right to enforce the judgment, decree or order accrues to some person capable of releasing the right: Provided that when the judgment, decree or order has been revived, or some part of the principal money secured thereby, or some interest on such money has been paid, or some acknowledgment of the right thereto has been given in writing signed by the person liable to pay such principal or interest, or his agent, to the person entitled thereto or his agent, the twelve years shall be computed from the date of such revivor, payment or acknowledgment or the latest of such revivors, payments or acknowledgments, as the case may be.

THE SECOND SCHEDULE.

TERRITORIES REFERRED TO IN SECTION 31.

(See section 31.)

The Presidency of Fort St. George.

The Presidency of Bombay.

The Sambalpur District of the Bengal Division of the Presidency of Fort William.

The United Provinces of Agra and Oudh.

Burma.

The Central Provinces.

Ajmer-Merwara.

THE THIRD SCHEDULE.

ENACTMENTS REPEALED.

(See section 32.)

Year.	No.	Short title.	Extent of repeal.
1877	XV	The Indian Limitation Act, 1877.	The whole.
1877	XVI	The Punjab Courts' Act, 1877.	So much as has not been repealed.
1879	XII	The Registration and Limitation Acts Amendment Act, 1879.	In the title the words "and the Limitation Act, 1877", and after section 107, from the words "and whereas" to the end of the Act.
1881	V	The Probate and Administration Act, 1881.	Section 156.
1887	IX	The Provincial Small Causes Courts Act, 1887.	Section 36.
1888	VII	The Civil Procedure Code Amendment Act, 1888.	In the title and in the preamble, the words "and the Indian Limitation Act, 1877", and of section 66 so much as has not been repealed.
1892	VI	The Indian Limitation Act and Civil Procedure Code Amendment Act, 1892.	In the title and in the preamble, the words "the Indian Limitation Act, 1877," and section 1.
1899	X	The Carriers Act, 1899.	Section 3.
1900	VI	The Lower Burma Courts Act, 1900.	So much of section 4 and the first sche[illegible] as relates to the Indi[illegible] Limitation Act, 1877.
1900	XI	The Indian Limitation Amendment Act, 1900.	The whole.
1906	IV	The Presidency Small Cause Courts Act, 1906.	Section 5.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, AUGUST 21, 1908.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 7th August, 1908:

No. 10 of 1908.

THE INDIAN REGISTRATION BILL.

CONTENTS

The Indian Registration Bill.

(Part I.—Preliminary. Part II.—Of the Registration-establishment.)

A Bill to consolidate the enactments relating to the Registration of Documents.

WHEREAS it is expedient to consolidate the enactments relating to the registration of documents; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Indian Registration Act, 190 .

(*2*) It extends to the whole of British India, except such districts or tracts of country as the Local Government may, with the previous sanction of the Governor General in Council, exclude from its operation.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "addition" means the place of residence, and the profession, trade, rank and title (if any) of a person described, and, in the case of a Native of India, his caste (if any) and his father's name, or where he is usually described as the son of his mother, then his mother's name:

(*2*) "book" includes a portion of a book and also any number of sheets connected together with a view of forming a book or portion of a book:

(*3*) "district" and "sub-district" respectively mean a district and sub-district formed under this Act:

(*4*) "District Court" includes the High Court in its ordinary original civil jurisdiction:

(*5*) "endorsement" and "endorsed" include and apply to an entry in writing by a registering officer on a rider or covering slip to any document tendered for registration under this Act:

(*6*) "immoveable property" includes land, buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass:

(*7*) "lease" includes a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease:

(*8*) "minor" means a person who, according to the personal law to which he is subject, has not attained majority:

(*9*) "moveable property" includes standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immoveable property: and

(*10*) "representative" includes the guardian of a minor and the committee or other legal curator of a lunatic or idiot.

PART II.

OF THE REGISTRATION-ESTABLISHMENT.

Inspector General of Registration.

3. The Local Government shall appoint an officer to be the Inspector General of Registration for the territories subject to such Government: [s. 4, paras. 1, 2.]

Provided that the Local Government may, instead of making such appointment, direct that all or any of the powers and duties hereinafter conferred and imposed upon the Inspector General shall be exercised and performed by such officer or officers, and within such local limits, as the Local Government appoints in this behalf.

Branch Inspector General of Sindh.

4. (*1*) The Governor of Bombay in Council may also, with the previous consent of the Governor General in Council, appoint an officer to be Branch Inspector General of Sindh, who shall have all the powers of an Inspector General under this Act other than the power to frame rules hereinafter conferred. [s. 4, paras. 3, 4.]

(*2*) Any Inspector General or the Branch Inspector General of Sindh may hold simultaneously any other office under Government.

The Indian Registration Bill.

(Part II.—Of the Registration-establishment.)

[s. 5.] *Districts and sub-districts.*

5. (*1*) For the purposes of this Act, the Local Government shall form districts and sub-districts, and shall prescribe, and may alter, the limits of such districts and sub-districts.

(*2*) The districts and sub-districts formed under this section, together with the limits thereof, and every alteration of such limits, shall be notified in the local official Gazette.

(*3*) Every such alteration shall take effect on such day after the date of the notification as is therein mentioned.

[s. 6.] *Registrars and Sub-Registrars.*

6. The Local Government may appoint such persons, whether public officers or not, as it thinks proper, to be Registrars of the several districts, and to be Sub-Registrars of the several sub-districts, formed as aforesaid, respectively.

[s. 7.] *Offices of Registrar and Sub-Registrar.*

7. (*1*) The Local Government shall establish in every district an office to be styled the office of the Registrar and in every sub-district an office or offices to be styled the office of the Sub-Registrar, or the offices of the Joint Sub-Registrars.

(*2*) *The Local Government* may amalgamate with any office of a Registrar any office of a Sub-Registrar subordinate to such Registrar, and may authorize any Sub-Registrar whose office has been so amalgamated to exercise and perform, in addition to his own powers and duties, all or any of the powers and duties of the Registrar to whom he is subordinate:

Provided that no such authorization shall enable a Sub-Registrar to hear an appeal against an order passed by himself under this Act.

[s. 8.] *Inspectors of Registration-offices.*

8. (*1*) The Local Government may also appoint officers to be called Inspectors of Registration-offices, and may prescribe the duties of such officers.

(*2*) Every such Inspector shall be subordinate to the Inspector General.

[s. 9.] *Military cantonments may be declared sub-districts or districts.*

9. Every military cantonment may (if the Local Government so directs) be, for the purposes of this Act, a sub-district or a district, and *the Cantonment* Magistrate shall be the Sub-Registrar or the Registrar of such sub-district or district, as the case may be.

[s. 10.] *Absence of Registrar or vacancy in his office.*

10. (*1*) When any Registrar, other than the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar during such absence or until the Local Government fills up the vacancy.

(*2*) When the Registrar of a district including a Presidency-town is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector General appoints in this behalf shall be the Registrar during such absence, or until the Local Government fills up the vacancy.

Absence of Registrar on duty in his district.

11. When any Registrar is absent from his office on duty in his district, he may appoint any Sub-Registrar or other person in his district to perform, during such absence, all the duties of a Registrar except those mentioned in sections 68 and 72.

Absence of Sub-Registrar or vacancy in his office.

12. When any Sub-Registrar is absent, or when his office is temporarily vacant, any person whom the Registrar of the district appoints in this behalf shall be Sub-Registrar during such absence, or until the Local Government fills up the vacancy.

Report of certain appointments, and suspension and removal and dismissal of officers.

13. (*1*) All appointments made under section 10, section 11 or section 12 shall be reported to the Local Government by the Inspector General.

(*2*) Such report shall be either special or general, as the Local Government directs.

(*3*) The Local Government may suspend, remove or dismiss any person appointed under the provisions of this Act, and appoint another person in his stead.

Remuneration and establishments of registering officers.

14. (*1*) Subject to the approval of the Governor General in Council, the Local Government may assign such salaries as such Government deems proper to the registering officers appointed under this Act, or provide for their remuneration by fees, or partly by fees and partly by salaries.

(*2*) The Local Government may allow proper establishments for the several offices under this Act.

Seals of registering officers.

15. The several Registrars and Sub-Registrars shall use a seal bearing the following inscription in English and in such other language as the Local Government directs:—" The seal of the Registrar (*or* of the Sub-Registrar) of ."

Register-books and fire-proof boxes.

16. (*1*) The Local Government shall provide for the office of every registering officer the books necessary for the purposes of this Act.

(*2*) The books so provided shall contain the forms from time to time prescribed by the Inspector General, with the sanction of the Local Government, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

(*3*) The Local Government shall supply the office of every Registrar with a fire-proof box, and shall in each district make suitable provision for the safe custody of the records connected with the registration of documents in such district.

The Indian Registration Bill.

(Part III.—Of Registrable Documents.)

PART III.

OF REGISTRABLE DOCUMENTS.

[s. 17.] **17.** (*1*) The *following* documents shall be registered, if the property to which they relate is situate in a district in which, and if they have been executed on or after the date on which, Act No. XVI of 1864, or the Indian Registration Act, 1866, or the Indian Registration Act, 1871, or the Indian Registration Act, 1877, or this Act came or comes into force, *namely*:— [XX of 1866. VII of 1871. III of 1877.]

Documents of which registration is compulsory.

(*a*) instruments of gift of immoveable property;

(*b*) other non-testamentary instruments which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immoveable property;

(*c*) non-testamentary instruments which acknowledge the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest; and

(*d*) leases of immoveable property from year to year, or for any term exceeding one year, or reserving a yearly rent:

Provided that the Local Government may, by order published in the local official Gazette, exempt from the operation of this sub-section any leases executed in any district, or part of a district, the terms granted by which do not exceed five years and the annual rents reserved by which do not exceed fifty rupees.

(*2*) Nothing in clauses (*b*) and (*c*) of sub-section (*1*) applies to—

(i) any composition-deed: or

(ii) any instrument relating to shares in a Joint Stock Company, notwithstanding that the assets of such Company consist in whole or in part of immoveable property; or

[Act VII of 1886, s. 2.] (iii) any debenture issued by any such Company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures; or

(iv) any endorsement upon or transfer of any debenture issued by any such Company; *or*

(v) any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of one hundred rupees and upwards to or in immoveable property, but merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any such right, title or interest; *or*

(vi) *any* decree or order of *a* Court and *any* award; *or*

(vii) *any* grant of immoveable property by Government; *or*

(viii) *any* instrument of partition made by *a* Revenue-officer; *or*

(ix) *any* order granting a loan or instrument of collateral security granted under the Land Improvement Act, 1871, or the Land Improvement Loans Act, 1883; *or* [Act XIX of 1883, s. 2.] [XXVI of 1871. XIX of 1883.]

(x) *any* order granting a loan under the Agriculturists' Loans Act, 1884, or instrument for securing the repayment of a loan made under that Act; *or* [Act VII of 1886, s. 3 (1).] [XII of 1884.]

(xi) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage; *or* [Act VII of 1886, s. 4.]

(xii) *any* certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue officer. [Act, VII of 1888, s. 65.]

(*3*) Authorities to adopt a son, executed after the first day of January, 1872, and not conferred by a will, shall also be registered.

18. Any of the *following* documents may be registered under this Act, *namely*:— [s. 18.]

Documents of which registration is optional.

(*a*) instruments (other than instruments of gift and wills) which purport or operate to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of a value less than one hundred rupees, to or in immoveable property;

(*b*) instruments acknowledging the receipt or payment of any consideration on account of the creation, declaration, assignment, limitation or extinction of any such right, title or interest;

(*c*) leases of immoveable property for any term not exceeding one year, and leases exempted under section 17;

(*d*) instruments (other than wills) which purport or operate to create, declare, assign, limit or extinguish any right, title or interest to or in moveable property;

(*e*) wills; *and*

(*f*) all other documents not required by section 17 to be registered.

19. If any document duly presented for registration be in a language which the registering officer does not understand, and which is not commonly used in [s. 19.]

Documents in language not understood by registering officer.

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(Part III.—Of Registrable Documents. Part IV.—Of the Time of Presentation. Part V.—Of the Place of Registration.)

the district, he shall refuse to register the document, unless it be accompanied by a true translation into a language commonly used in the district and also by a true copy.

[s. 20.] 20. (*1*) The registering officer may in his discretion refuse to accept for registration any document in which any interlineation, blank, erasure or alteration appears, unless the persons executing the document attest with their signatures or initials such interlineation, blank, erasure or alteration.

Documents containing interlineations, blanks, erasures or alterations.

(*2*) *If the registering officer registers* any such document, he shall, at the time of registering the same, make a note in the register of such interlineation, blank, erasure or alteration.

[s. 21.] 21. (*1*) No non-testamentary document relating to immoveable property shall be accepted for registration unless it contains a description of such property sufficient to identify the same.

Description of property and maps or plans.

(*2*) Houses in towns shall be described as situate on the north or other side of the street or road (*which should be specified*) to which they front, and by their existing and former occupancies, and by their numbers if the houses in such street or road are numbered.

(*3*) Other houses and lands shall be described by their name, if any, and as being in the territorial division in which they are situate, and by their superficial contents, the roads and other properties on which they abut, and their existing occupancies, and also, whenever it is practicable, by reference to a Government map or survey.

(*4*) No non-testamentary document containing a map or plan of any property comprised therein shall be accepted for registration unless it is accompanied by a true copy of the map or plan, or, in case such property is situate in several districts, by such number of true copies of the map or plan as are equal to the number of such districts.

[s. 22.] [Act XVII of 1899, s. 2.] 22. (*1*) Where it is, in the opinion of the Local Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the Local Government may, by rule *made under this Act*, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

Description of houses and land by reference to Government maps or surveys.

(*2*) Save as otherwise provided by any rule made under sub-section (*1*), failure to comply with the provisions of section 21, sub-section (*2*) or sub-section (*3*), shall not disentitle a document to be registered if the description of the property to which it relates is sufficient to identify that property.

PART IV.

OF THE TIME OF PRESENTATION.

[s. 23, paras. 1, 2.] 23. Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution :

Time for presenting documents.

Provided that a copy of a decree or order *may be presented* within four months from the day on which the decree or order was made, or, where it is appealable, within four months from the day on which it becomes final.

24. Where there are several persons executing a document at different times, such document may be presented for registration and re-registration within four months from the date of each execution. [s. 23, para. 3.]

Documents executed by several persons at different times.

25. (*1*) If, owing to urgent necessity or unavoidable accident, any document executed, or copy of a decree or order made, in British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the Registrar, in cases where the delay in presentation does not exceed four months, may direct that, on payment of a fine not exceeding ten times the amount of the proper registration-fee, such document shall be accepted for registration. [s. 24.]

Provision where delay in presentation is unavoidable.

(*2*) Any application for such direction may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

26. When a document purporting to have been executed by all or any of the parties out of British India is not presented for registration till after the expiration of the time hereinbefore prescribed in that behalf, the registering officer, if satisfied— [s. 25.]

Documents executed out of British India.

(*a*) that the instrument was so executed, and

(*b*) that it has been presented for registration within four months after its arrival in British India,

may, on payment of the proper registration-fee, accept such document for registration.

27. A will may at any time be presented for registration or deposited in manner hereinafter provided. [s. 27.]

Wills may be presented or deposited at any time.

PART V.

OF THE PLACE OF REGISTRATION.

28. Save as in this Part otherwise provided, every document mentioned in section 17, sub-section (*1*), clauses (*a*), (*b*), (*c*) and (*d*), and section 18, clauses (*a*), (*b*) and (*c*), shall be presented for registration in the office of a Sub-Registrar within whose sub-district the whole or some portion of the property to which such document relates is situate. [s. 28.]

Place for registering documents relating to land.

29. (*1*) Every document other than a document referred to in section 28, and a copy of a decree or order, may be presented for registration either in the office of the Sub-Registrar in whose sub-district the document was executed, or in the office of any other Sub-Registrar under [s. 29.]

Place for registering other documents.

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(Part V.—Of the Place of Registration. Part VI.—Of Presenting Documents for Registration.)

the Local Government at which all the persons executing and claiming under the document desire the same to be registered.

(2) A copy of a decree or order may be presented for registration in the office of the Sub-Registrar in whose sub-district the original decree or order was made, or, where the decree or order does not affect immoveable property, in the office of any other Sub-Registrar under the Local Government at which all the persons claiming under the decree or order desire the copy to be registered.

[s. 30.] 30. (1) Any Registrar may in his discretion receive and register any document which might be registered by any Sub-Registrar subordinate to him.

Registration by Registrars in certain cases.

(2) The Registrar of a district including a Presidency-town and the Registrar of the Lahore District may receive and register any document referred to in section 28 without regard to the situation in any part of British India of the property to which the document relates.

[s. 31.] 31. In ordinary cases the registration or deposit of documents under this Act shall be made only at the office of the officer authorized to accept the same for registration or deposit:

Registration or acceptance for deposit at private residence.

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

PART VI.

OF PRESENTING DOCUMENTS FOR REGISTRATION.

[s. 32.] 32. Except in the cases mentioned in section 31 and section 89, every document to be registered under this Act, whether such registration be compulsory or optional, shall be presented at the proper registration-office,—

Persons to present documents for registration.

(a) by some person executing or claiming under the same, or, in the case of a copy of a decree or order, claiming under the decree or order, or

(b) by the representative or assign of such person, or

(c) by the agent of such person, representative or assign, duly authorized by power-of-attorney executed and authenticated in manner hereinafter mentioned.

[s. 33.] 33. (1) For the purposes of section 32, the *following* powers-of-attorney shall alone be recognized, *namely*:—

Powers-of-attorney recognizable for purposes of section 32.

(a) if the principal at the time of executing the power-of-attorney resides in any part of British India in which this Act is for the time being in force, a power-of-attorney executed before and authenticated by the Registrar or Sub-Registrar within whose district or sub-district the principal resides;

(b) if the principal at the time aforesaid resides in any other part of British India, a power-of-attorney executed before and authenticated by any Magistrate;

(c) if the principal at the time aforesaid does not reside in British India, a power-of-attorney executed before and authenticated by a Notary Public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of His Majesty or of the Government of India:

Provided that the following persons shall not be required to attend at any registration-office or Court for the purpose of executing any such power-of-attorney as is mentioned in clauses (a) and (b) of this section, *namely*:—

(i) persons who by reason of bodily infirmity are unable without risk or serious inconvenience so to attend;

(ii) persons who are in jail under civil or criminal process; and

(iii) persons exempt by law from personal appearance in Court.

(2) In the case *of every such person* the Registrar or Sub-Registrar or Magistrate (as the case may be), if satisfied that the power-of-attorney has been voluntarily executed by the person purporting to be the principal, may attest the same without requiring his personal attendance at the office or Court aforesaid.

(3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.

(4) Any power-of-attorney mentioned in this section may be proved by the production of it without further proof when it purports on the face of it to have been executed before and authenticated by the person or Court hereinbefore mentioned in that behalf.

34. (1) Subject to the provisions contained in this Part and in sections 41, 43, 45, 69, 75, 77, 88 and 89, no document shall be registered under this Act, unless the persons executing such document, or their representatives, assigns or agents authorized as aforesaid, appear before the registering officer within the time allowed for presentation under sections 23, 24, 25 and 26: [s. 34.]

Enquiry before registration by registering officer.

Provided that, if owing to urgent necessity or unavoidable accident all such persons do not so appear, the Registrar, in cases where the delay in appearing does not exceed four months, may direct that on payment of a fine not exceeding ten times the amount of the proper registration-fee, in addition to the fine, if any, payable under section 25, the document may be registered.

(2) Appearances *under sub-section* (1) may be simultaneous or at different times.

(3) The registering officer shall thereupon—

(a) enquire whether or not such documen was executed by the persons by whom it purports to have been executed;

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(Part VI.—Of Presenting Documents for Registration. Part VII.—Of Enforcing the Appearance of Executants and Witnesses. Part VIII.—Of Presenting Wills and Authorities to adopt.)

(*b*) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and,

(*c*) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.

(*4*) Any application for a direction under the proviso to sub-section (*1*) may be lodged with a Sub-Registrar, who shall forthwith forward it to the Registrar to whom he is subordinate.

(*5*) Nothing in this section applies to copies of decrees or orders.

[s. 35.] Procedure on admission and denial of execution respectively.

35. (*1*) (*a*) If all the persons executing the document appear personally before the registering officer and are personally known to him, or if he be otherwise satisfied that they are the persons they represent themselves to be, and if they all admit the execution of the document, or

(*b*) if in the case of any person appearing by a representative, assign or agent, such representative, assign or agent admits the execution, or

(*c*) if the person executing the document is dead, and his representative or assign appears before the registering officer and admits the execution,

the registering officer shall register the document as directed in sections 58 to 61, inclusive.

(*2*) The registering officer may, in order to satisfy himself that the persons appearing before him are the persons they represent themselves to be, or for any other purpose contemplated by this Act, examine any one present in his office.

(*3*) (*a*) If any person by whom the document purports to be executed denies its execution, or

(*b*) if any such person appears to the registering officer to be a minor, an idiot or a lunatic, or

(*c*) if any person by whom the document purports to be executed is dead, and his representative or assign denies its execution,

the registering officer shall refuse to register the document as to the person so denying, appearing or dead:

Provided that, where such officer is a Registrar, he shall follow the procedure prescribed in Part XII.

PART VII.

OF ENFORCING THE APPEARANCE OF EXECUTANTS AND WITNESSES.

[s. 36.] Procedure where appearance of executant or witness is desired.

36. If any person presenting any document for registration or claiming under any document which is capable of being so presented, desires the appearance of any person whose presence or testimony is necessary for the registration of such document, the registering officer may, in his discretion, call upon such officer or Court as the Local Government directs in this behalf to issue a summons requiring him to appear at the registration-office, either in person or by duly authorized agent, as in the summons may be mentioned, and at a time named therein.

Officer or Court to issue and cause service of summons.

37. The officer or Court, upon receipt of the peon's fee payable in such cases, shall issue the summons accordingly, and cause it to be served upon the person whose appearance is so required. [s. 3

Persons exempt from appearance at registration-office.

38. (*1*) (*a*) A person who by reason of bodily infirmity is unable without risk or serious inconvenience to appear at the registration-office, or [s. 3

(*b*) a person in jail under civil or criminal process, or

(*c*) persons exempt by law from personal appearance in Court, and who would but for the provision next hereinafter contained be required to appear in person at the registration-office,

shall not be required so to appear.

(*2*) In *the* case *of every such person* the registering officer shall either himself go to the house of such person, or to the jail in which he is confined, and examine him or issue a commission for his examination.

Law as to summonses, commissions and witnesses.

39. The law in force for the time being as to summonses, commissions and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts, shall, save as aforesaid and *mutatis mutandis*, apply to any summons or commission issued and any person summoned to appear under the provisions of this Act. [s. 39]

PART VIII.

OF PRESENTING WILLS AND AUTHORITIES TO ADOPT.

Persons entitled to present wills and authorities to adopt.

40. (*1*) The testator, or after his death any person claiming as executor or otherwise under a will, may present it to any Registrar or Sub-Registrar for registration. [s. 40

(*2*) The donor, or after his death the donee, of any authority to adopt, or the adoptive son, may present it to any Registrar or Sub-Registrar for registration.

Registration of wills and authorities to adopt.

41. (*1*) A will or an authority to adopt, presented for registration by the testator or donor, may be registered in the same manner as any other document. [s. 4

(*2*) A will or authority to adopt presented for registration by any other person entitled to present it shall be registered if the registering officer is satisfied—

(*a*) that the will or authority was executed by the testator or donor, as the case may be;

(*b*) that the testator or donor is dead; and

(*c*) that the person presenting the will or authority is, under section 40, entitled to present the same.

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(Part IX.—Of the Deposit of Wills. Part X.—Of the Effects of Registration and Non-registration. Part XI.—Of the Duties and Powers of Registering Officers.)

PART IX.

OF THE DEPOSIT OF WILLS.

[s. 42.] Deposit of wills.

42. Any testator may, either personally or by duly authorized agent, deposit with any Registrar his will in a sealed cover superscribed with the name of the testator and that of his agent (if any) and with a statement of the nature of the document.

[s. 43.] Procedure on deposit of wills.

43. (*1*) On receiving such cover, the Registrar, if satisfied that the person presenting the same for deposit is the testator or his agent, shall transcribe in his Register-book No. 5 the superscription aforesaid, and shall note in the same book and on the said cover the year, month, day and hour of such presentation and receipt, and the names of any persons who may testify to the identity of the testator or his agent, and any legible inscription which may be on the seal of the cover.

(*2*) The Registrar shall then place and retain the sealed cover in his fire-proof box.

[s. 44.] Withdrawal of sealed cover deposited under section 42.

44. If the testator who has deposited such cover wishes to withdraw it, he may apply, either personally or by duly authorized agent, to the Registrar who holds it in deposit, and such Registrar, if satisfied that the applicant is actually the testator or his agent, shall deliver the cover accordingly.

[s. 45.] Proceedings on death of depositor.

45. (*1*) If, on the death of a testator who has deposited a sealed cover under section 42, application be made to the Registrar who holds it in deposit to open the same, and if the Registrar is satisfied that the testator is dead, he shall, in the applicant's presence, open the cover, and, at the applicant's expense, cause the contents thereof to be copied into his Book No. 3.

(*2*) When such copy has been made, the Registrar shall re-deposit the original will.

[s. 46.] Saving of certain enactments and powers of Courts.

46. (*1*) Nothing hereinbefore contained shall affect the provisions of section 259 of the Indian Succession Act,
X of 1865. 1865, *or of section 81 of the Probate and Admi-*
V of 1881. *nistration Act, 1881*, or the power of any Court by order to compel the production of any will.

(*2*) When any such order is made, the Registrar shall, unless the will has been already copied under section 45, open the cover and cause the will to be copied into his Book No. 3 and make a note on such copy that the original has been removed into Court in pursuance of the order aforesaid.

PART X.

OF THE EFFECTS OF REGISTRATION AND NON-REGISTRATION.

[s. 47.] Time from which registered document operates.

47. A registered document shall operate from the time from which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration.

[s. 48.] Registered documents relating to property when to take effect against oral agreements.

48. All non-testamentary documents duly registered under this Act, and relating to any property, whether moveable or immoveable, shall take effect against any oral agreement or declaration relating to such property, unless where the agreement or declaration has been accompanied or followed by delivery of possession.

[s. 49.] Effect of non-registration of documents required to be registered.

49. No document required by section 17 to be registered shall—

(*a*) affect any immoveable property comprised therein, or

(*b*) confer any power to adopt, or

(*c*) be received as evidence of any transaction affecting such property or conferring such power,

unless it has been registered.

[s. 50.] Certain registered documents relating to land, to take effect against unregistered documents.

50. (*1*) Every document of the kinds mentioned in clauses (*a*), (*b*), (*c*) and (*d*) of section 17, sub-section (*1*), and clauses (*a*) and (*b*) of section 18, shall, if duly registered, take effect as regards the property comprised therein, against every unregistered document relating to the same property, and not being a decree or order, whether such unregistered document be of the same nature as the registered document or not.

(*2*) Nothing in sub-section (*1*) applies to leases exempted under the proviso to sub-section (*1*) of section 17 or to any document mentioned in sub-section (*2*) of the same section.

Explanation.—In cases where Act No. XVI of 1864 or the Indian Registration Act, 1866, was XX of 1866.
in force in the place and at the time in and at which such unregistered document was executed, "unregistered" means not registered according to such Act, and, where the document is executed after the first day of July, 1871, not registered under the Indian Registration Act, 1871, or the VIII of 1871.
Indian Registration Act, 1877, or this Act. III of 1877.

PART XI.

OF THE DUTIES AND POWERS OF REGISTERING OFFICERS.

(A) As to the Register-books and Indexes.

[s. 51.] Register-books to be kept in the several offices.

51. (*1*) The following books shall be kept in the several offices hereinafter named, *namely:*—

A—In all registration offices—

Book 1, "Register of non-testamentary documents relating to immoveable property;"

Book 2, "Record of reasons for refusal to register;"

Book 3, "Register of wills and authorities to adopt;" and

Book 4, "Miscellaneous Register;"

B—In the offices of Registrars—

Book 5, "Register of deposits of wills."

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(Part XI.—Of the Duties and Powers of Registering Officers.)

(2) In Book 1 shall be entered or filed all documents or memoranda registered under sections 17, 18 and 89 which relate to immoveable property, and are not wills. [Act XII of 1879, s. 105.]

(3) In Book 4 shall be entered all documents registered under clauses (d) and (f) of section 18 which do not relate to immoveable property.

(4) Nothing in this section shall be deemed to require more than one set of books where the office of the Registrar has been amalgamated with the office of a Sub-Registrar.

[s. 52.] **Duties of Registering Officer when document presented.**

52. (1) (a) The day, hour and place of presentation, and the signature of every person presenting a document for registration, shall be endorsed on every such document at the time of presenting it:

(b) a receipt for such document shall be given by the registering officer to the person presenting the same; and,

(c) subject to the provisions contained in section 62, every document admitted to registration shall without unnecessary delay be copied in the book appropriated therefor according to the order of its admission.

(2) All such books shall be authenticated at such intervals and in such manner as is from time to time prescribed by the Inspector General.

[s. 53.] **Entries to be numbered consecutively.**

53. All entries in each book shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

[s. 54.] **Current indexes and entries therein.**

54. In every office in which any of the books hereinbefore mentioned are kept, there shall be prepared current indexes of the contents of such books; and every entry in such indexes shall be made, so far as practicable, immediately after the registering officer has copied, or filed a memorandum of, the document to which it relates.

[s. 55.] **Indexes to be made by registering officers, and their contents.**

55. (1) Four such indexes shall be made in all registration offices, and shall be named, respectively, Index No. I, Index No. II, Index No. III and Index No. IV.

(2) Index No. I shall contain the names and additions of all persons executing and of all persons claiming under every document entered or memorandum filed in Book No. 1.

(3) Index No. II shall contain such particulars mentioned in section 21 relating to every such document and memorandum as the Inspector General from time to time directs in that behalf.

(4) Index No. III shall contain the names and additions of all persons executing every will and authority entered in Book No. 3, and of the executors and persons respectively appointed thereunder, and after the death of the testator or the donor (but not before) the names and additions of all persons claiming under the same.

(5) Index No. IV shall contain the names and additions of all persons executing and of all persons claiming under every document entered in Book No. 4.

(6) Each Index shall contain such other particulars, and shall be prepared in such form, as the Inspector General from time to time directs.

[s. 56.] **Copy of entries in Indexes Nos. I, II and III to be sent by Sub-Registrar to Registrar and filed.**

56. (1) Every Sub-Registrar shall send to the Registrar to whom he is subordinate, at such intervals as the Inspector General from time to time directs, a copy of all entries made by such Sub-Registrar, during the last of such intervals, in Indexes Nos. I, II and III.

(2) Every Registrar receiving such copy shall file it in his office.

[s. 57.] **Registering officers to allow inspection of certain books and indexes, and to give certified copies of entries.**

57. (1) Subject to the previous payment of the fees payable in that behalf, the Books Nos. 1 and 2 and the Indexes relating to Book No. 1 shall be at all times open to inspection by any person applying to inspect the same; and, subject to the provisions of section 62, copies of entries in such books shall be given to all persons applying for such copies.

(2) Subject to the same provisions, copies of entries in Book No. 3 and in the Index relating thereto shall be given to the persons executing the documents to which such entries relate, or to their agents, and after the death of the executants (but not before) to any person applying for such copies.

(3) Subject to the same provisions, copies of entries in Book No. 4 and in the Index relating thereto shall be given to any person executing or claiming under the documents to which such entries respectively refer, or to his agent or representative.

(4) The requisite search under this section for entries in Books Nos. 3 and 4 shall be made only by the registering officer.

(5) All copies given under this section shall be signed and sealed by the registering officer, and shall be admissible for the purpose of proving the contents of the original documents.

(B) As to the Procedure on admitting to Registration.

[s. 58.] **Particulars to be endorsed on documents admitted to registration.**

58. (1) On every document admitted to registration, other than a copy of a decree or order, or a copy sent to a registering officer under section 89, there shall be endorsed from time to time the following particulars, namely:— [Act 1886, (2).]

(a) the signature and addition of every person admitting the execution of the document, and, if such execution has been admitted by the representative, assign or agent of any person, the signature and addition of such representative, assign or agent;

(b) the signature and addition of every person examined in reference to such document under any of the provisions of this Act; and

(c) any payment of money or delivery of goods made in the presence of the registering officer in reference to the execution of the document, and any admission of receipt of consideration,

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in whole or in part, made in his presence in reference to such execution.

(2) If any person admitting the execution of a document refuses to endorse the same, the registering officer shall nevertheless register it, but shall at the same time endorse a note of such refusal.

[s. 59.] 59. The registering officer shall affix the date and his signature to all endorsements made under sections 52 and 58, relating to the same document and made in his presence on the same day.

Endorsements to be dated and signed by registering officer.

[s. 60.] 60. (1) After such of the provisions of sections 34, 35, 58 and 59 as apply to any document presented for registration have been complied with, the registering officer shall endorse thereon a certificate containing the word "registered," together with the number and page of the book in which the document has been copied.

Certificate of registration.

(2) Such certificate shall be signed, sealed and dated by the registering officer, and shall then be admissible for the purpose of proving that the document has been duly registered in manner provided by this Act, and that the facts mentioned in the endorsements referred to in section 59 have occurred as therein mentioned.

[s. 61.] 61. (1) The endorsements and certificate referred to and mentioned in sections 59 and 60 shall thereupon be copied into the margin of the Register-book, and the copy of the map or plan (if any) mentioned in section 21 shall be filed in Book No. 1.

Endorsements and certificate to be copied and document returned.

(2) The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in section 52.

[s. 62.] 62. (1) When a document is presented for registration under section 19, the translation shall be transcribed in the register of documents of the nature of the original, and, together with the copy referred to in section 19, shall be filed in the registration office.

Procedure on presenting document in language unknown to registering officer.

(2) The endorsements and certificate respectively mentioned in sections 59 and 60 shall be made on the original, and, for the purpose of making the copies and memoranda required by sections 57, 64, 65 and 66, the translation shall be treated as if it were the original.

[s. 63.] 63. (1) Every registering officer may at his discretion administer an oath to any person examined by him under the provisions of this Act.

Power to administer oaths and record of substance of statements.

(2) *Every such officer* may also at his discretion record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if made in a language with which such person is not acquainted) interpreted to him in a language with which he is acquainted, and, if he admits the correctness of such note, it shall be signed by the registering officer.

(3) Every such note so signed shall be admissible for the purpose of proving that the statements therein recorded were made by the persons and under the circumstances therein stated.

(C) *Special duties of Sub-Registrar.*

64. Every Sub-Registrar on registering a non-testamentary document relating to immoveable property not wholly situate in his own sub-district shall make a memorandum thereof and of the endorsement and certificate (if any) thereon, and send the same to every other Sub-Registrar subordinate to the same Registrar as himself in whose sub-district any part of such property is situate, and such Sub-Registrar shall file the memorandum in his Book No. 1. [s. 64.]

Procedure where document relates to land in several sub-districts.

65. (1) Every Sub-Registrar on registering a non-testamentary document relating to immoveable property situate in more districts than one shall also forward a copy thereof and of the endorsement and certificate (if any) thereon, together with a copy of the map or plan (if any) mentioned in section 21, to the Registrar of every district in which any part of such property is situate other than the district in which his own sub-district is situate. [s. 65.]

Procedure where document relates to land in several districts.

(2) The Registrar on receiving the same shall file in his Book No. 1 the copy of the document and the copy of the map or plan (if any), and shall forward a memorandum of the document to each of the Sub-Registrars subordinate to him within whose sub-district any part of such property is situate: and every Sub-Registrar receiving such memorandum shall file it in his Book No. 1.

(D) *Special Duties of Registrar.*

66. (1) On registering any non-testamentary document relating to immoveable property, the Registrar shall forward a memorandum of such document to each Sub-Registrar subordinate to himself in whose sub-district any part of the property is situate. [s. 66.]

Procedure after registration of documents relating to land.

(2) *The Registrar* shall also forward a copy of such document, together with a copy of the map or plan (if any) mentioned in section 21, to every other Registrar in whose district any part of such property is situate.

(3) Such Registrar on receiving any such copy shall file it in his Book No. 1, and shall also send a memorandum of the copy to each of the Sub-Registrars subordinate to him within whose sub-district any part of the property is situate.

(4) Every Sub-Registrar receiving any memorandum under this section shall file it in his Book No. 1.

67. On any document being registered under section 30, sub-section (2), a copy of such document and of the endorsements and certificate thereon shall be forwarded to every Registrar within whose district any part of the property to which the instrument relates is situate, and the Registrar receiving such copy shall follow the procedure prescribed for him in section 66, sub-section (1). [s. 67.]

Procedure after registration under section 30, sub-section (2).

The Indian Registration Bill.

(Part XI.—Of the Duties and Powers of Registering Officers. Part XII.—Of Refusal to Register.)

(E) *Of the controlling Powers of Registrars and Inspectors General.*

[s. 68.] 68. (*1*) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

Power of Registrar to superintend and control Sub-Registrars.

(*2*) Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any error regarding the book or the office in which any document has been registered.

[s. 69.] 69. (*1*) The Inspector General shall exercise a general superintendence over all the registration-offices in the territories under the Local Government, and shall have power from time to time to make rules consistent with this Act—

Power of Inspector General to superintend registration offices and make rules.

(*a*) providing for the safe custody of books, papers and documents, and also for the destruction of such books, papers and documents as need no longer be kept;

(*b*) declaring what languages shall be deemed to be commonly used in each district;

(*c*) declaring what territorial divisions shall be recognized under section 21;

(*d*) regulating the amount of fines imposed under sections 25 and 34, respectively;

(*e*) regulating the exercise of the discretion reposed in the registering officer by section 63;

(*f*) regulating the form in which registering officers are to make memoranda of documents;

(*g*) regulating the authentication by Registrars and Sub-Registrars of the books kept in their respective offices under section 51;

(*h*) declaring the particulars to be contained in Indexes Nos. I, II, III and IV, respectively;

(*i*) declaring the holidays that shall be observed in the registration-offices; and,

(*j*) generally, regulating the proceedings of the Registrars and Sub-Registrars.

(*2*) The rules so made shall be submitted to the Local Government for approval, and, after they have been approved, they shall be published in the official Gazette and *on publication* shall have *effect* as if *enacted* in this Act.

[s. 70.] 70. The Inspector General may also, in the exercise of his discretion, remit wholly or in part the difference between any fine levied under section 25 or section 34, and the amount of the proper registration-fee.

Power of Inspector General to remit fines.

PART XII.

OF REFUSAL TO REGISTER.

[s. 71.] 71. (*1*) Every Sub-Registrar refusing to register a document, except on the ground that the property to which it relates is not situate within his sub-district, shall make an order of refusal and record his reasons for such order in his book No. 2, and endorse the words "registration refused" on the document; and on application made by any person executing or claiming under the document, shall, without payment and unnecessary delay, give him a copy of the reasons so recorded.

Reasons for refusal to register to be recorded.

(*2*) No registering officer shall accept for registration a document so endorsed unless and until, under the provisions hereinafter contained, the document is directed to be registered.

72. (*1*) Except where the refusal is made on the ground of denial of execution, an appeal shall lie against an order of a Sub-Registrar refusing to admit a document to registration (whether the registration of such document is compulsory or optional) to the Registrar to whom such Sub-Registrar is subordinate, if presented to such Registrar within thirty days from the date of the order; and the Registrar may reverse or alter such order: [s. 7

Appeal to Registrar from orders of Sub-Registrar refusing registration on ground other than denial of execution.

(*2*) If the order of the Registrar directs the document to be registered and the document is duly presented for registration within thirty days after the making of such order, the Sub-Registrar shall obey the same, and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60; and such registration shall take effect as if the document had been registered when it was first duly presented for registration.

73. (*1*) When a Sub-Registrar has refused to register a document on the ground that any person by whom it purports to be executed, or his representative or assign, denies its execution, any person claiming under such document, or his representative, assign or agent authorized as aforesaid, may, within thirty days after the making of the order of refusal, apply to the Registrar to whom such Sub-Registrar is subordinate in order to establish his right to have the document registered. [s. 7

Application to Registrar where Sub-Registrar refuses to register on ground of denial of execution.

(*2*) Such application shall be in writing and shall be accompanied by a copy of the reasons recorded under section 71, and the statements in the application shall be verified by the applicant in manner required by law for the verification of plaints.

74. In such case, and also where such denial as aforesaid is made before a Registrar in respect of a document presented for registration to him, *the Registrar* shall, as soon as conveniently may be, enquire— [s.

Procedure of Registrar on such application.

(*a*) whether the document has been executed;

(*b*) whether the requirements of the law for the time being in force have been complied with on the part of the applicant or person presenting the document for registration, as the case may be, so as to entitle the document to registration.

75. (*1*) If the Registrar finds that the document has been executed and that the said requirements have been complied with, he shall order the document to be registered. [s

Order by Registrar to register and procedure thereon.

The Indian Registration Bill.

(Part XII.—Of Refusal to Register. Part XIII.—Of the Fees for Registration, Searches and Copies. Part XIV.—Of Penalties.)

(2) If the document is duly presented for registration within thirty days after the making of such order, the registering officer shall obey the same and thereupon shall, so far as may be practicable, follow the procedure prescribed in sections 58, 59 and 60.

(3) Such registration shall take effect as if the document had been registered when it was first duly presented for registration.

(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witnesses, and compel them to give evidence, as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908. V of 1908.

[s. 76.] Order of refusal by Registrar.

76. (1) Every Registrar refusing—

(a) to register a document except on the ground that the property to which it relates is not situate within his district or that the document ought to be registered in the office of a Sub-Registrar, or

(b) to direct the registration of a document under section 72 or section 75,

shall make an order of refusal and record the reasons for such order in his Book No. 2, and, on application made by any person executing or claiming under the document, shall, without unnecessary delay, give him a copy of the reasons so recorded.

(2) No appeal lies from any order by a Registrar under this section or section 72.

[s. 77.] Suit in case of order of refusal by Registrar.

77. (1) Where the Registrar refuses to order the document to be registered, under section 72 or section 76, any person claiming under such document, or his representative, assign or agent, may, within thirty days after the making of the order of refusal, institute in the Civil Court, within the local limits of whose original jurisdiction is situate the office in which the document is sought to be registered, a suit for a decree directing the document to be registered in such office if it be duly presented for registration within thirty days after the passing of such decree.

(2) The provisions contained in sub-sections (2) and (3) of section 75 shall, *mutatis mutandis*, apply to all documents presented for registration in accordance with any such decree, and, notwithstanding anything contained in this Act, the document shall be receivable in evidence in such suit.

PART XIII.

OF THE FEES FOR REGISTRATION, SEARCHES AND COPIES.

[s. 78, para. 1.] Fees to be fixed by Local Government.

78. Subject to the approval of the Governor General in Council, the Local Government shall prepare a table of fees payable—

(a) for the registration of documents;

(b) for searching the registers;

(c) for making or granting copies of reasons, entries or documents, before, on or after registration;

and of extra or additional fees payable—

(d) for every registration under section 30;

(e) for the issue of commissions;

(f) for filing translations;

(g) for attending at private residences;

(h) for the safe custody and return of documents; and

(i) for such other matters as appear to the Local Government necessary to effect the purposes of this Act.

Publication of fees.

79. A table of the fees so payable shall be published in the official Gazette, and a copy thereof in English and the vernacular language of the district shall be exposed to public view in every registration office. [s. 79.]

Fees payable on presentation.

80. All fees for the registration of documents under this Act shall be payable on the presentation of such documents. [s. 80.]

PART XIV.

OF PENALTIES.

Penalty for incorrectly endorsing, copying, translating or registering documents with intent to injure.

81. Every registering officer appointed under this Act and every person employed in his office for the purposes of this Act, who being charged with the endorsing, copying, translating or registering of any document presented or deposited under its provisions, endorses, copies, translates or registers such document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury, as defined in the Indian Penal Code, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both. [s. 81.] XLV of 1860.

Penalty for making false statements, delivering false copies or translations, false personation, and abetment.

82. Whoever— [s. 82.]

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any officer acting in execution of this Act, in any proceeding or inquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding under section 19 or section 21, a false copy or translation of a document, or a false copy of a map or plan; or

(c) falsely personates another, and in such assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any proceeding or enquiry under this Act; or

(d) abets anything made punishable by this Act;

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(*Part XIV.—Of Penalties. Part XV.—Miscellaneous.*)

shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

[s. 83, paras. 1, 2.] 83. (*1*) A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector General, the Branch Inspector General of Sindh, the Registrar or the Sub-Registrar, in whose territories, district or sub-district, as the case may be, the offence has been committed.

Registering officer may commence prosecutions.

[Act XII of 1879, s. 106.] (*2*) No Court inferior to that of a Magistrate of the second class shall try any offence under this Act.

[s. 84.] 84. (*1*) Every registering officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Registering officers to be deemed public servants.

(*2*) Every person shall be legally bound to furnish information to such registering officer when required by him to do so.

(*3*) In section 228 of the *Indian Penal* Code, the words "judicial proceeding" shall *be deemed to* include any proceeding under this Act.

PART XV.

MISCELLANEOUS.

[s. 85.] 85. Documents (other than wills) remaining unclaimed in any registration office for a period exceeding two years may be destroyed.

Destruction of unclaimed documents.

[s. 86] 86. No registering officer shall be liable to any suit, claim or demand by reason of anything in good faith done or refused in his official capacity.

Registering officer not liable for thing *bond fide* done or refused in his official capacity.

[s. 87.] 87. Nothing done in good faith pursuant to this Act or any Act hereby repealed, by any registering officer, shall be deemed invalid merely by reason of any defect in his appointment or procedure.

Nothing so done invalidated by defect in appointment or procedure.

[s. 88.] 88. (*1*) Notwithstanding anything herein contained, it shall not be necessary for any officer of Government, or for the Administrator General of Bengal, Madras or Bombay, or for any Official Trustee or Official Assignee, or for the Sheriff, Receiver or Registrar of a High Court, to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity, or to sign as provided in section 58.

Registration of documents executed by Government officers or certain public functionaries.

(*2*) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to any Secretary to Government or to such officer of Government, Administrator General, Official Trustee, Official Assignee, Sheriff, Receiver or Registrar, as the case may be, for information respecting the same, and, on being satisfied of the execution thereof, shall register the instrument.

89. (*1*) Every officer granting a loan under the Land Improvement Loans Act, 1883, shall send a copy of his order to the registering officer within the local limits of whose jurisdiction the whole or any part of the land to be improved or of the land to be granted as collateral security, is situate, and such registering officer shall file the copy in his Book No. 1. [s. 89.] Act XIX of 1883, s. ... XIX of ... [Act XII of 1879, s. 107.]

Copies of certain orders, certificates and instruments to be sent to registering officers and filed.

(*2*) Every Court granting a certificate *of sale of immoveable property* under the Code of Civil Procedure, 1908, shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immoveable property comprised in such certificate is situate, and such officer shall file the copy in his Book No. 1. [Act XII of 1879, s. 107.] V of 1908.

(*3*) Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1. [Act VII of 1886, s. ... (3).] XII of 1884.

(*4*) Every Revenue-officer granting a certificate of sale to the purchaser of immoveable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1. [Act XII of 1891, Schedule II.]

Exemptions from Act.

90. (*1*) Nothing contained in this Act *or in the Indian Registration Act, 1877*, or in the Indian Registration Act, 1871, or in any Act thereby repealed shall be deemed to require, or to have at any time required, the registration of any of the following documents or maps, namely:— [s. 90.] III of 1877. VIII of 1871.

Exemption of certain documents executed by or in favour of Government.

(*a*) documents issued, received or attested by any officer engaged in making a settlement or revision of settlement of land-revenue, and which form part of the records of such settlement; or

(*b*) documents and maps issued, received or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, and which form part of the record of such survey; or

(*c*) documents which, under any law for the time being in force, are filed periodically in any revenue-office by patwaris or other officers charged with the preparation of village-records; or [Act XII of 1891, Schedule II.]

(*d*) sanads, inam title-deeds and other documents purporting to be or to

The Indian Registration Bill.

(Part XV.—Miscellaneous. The Schedule.—Repeal of Enactments.)

evidence grants or assignments by Government of land or of any interest in land; or

[Act VII of 1886, s. (6) 1.] Bom. V of 1879.

(*e*) notices given under section 74 or section 76 of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants, or of alienated land by holders of such land.

(2) All such documents and maps shall, for the purposes of sections 48 and 49, be deemed to have been and to be registered in accordance with the provisions of this Act.

[s. 91.] Act VII of 1886, s. 6 (2)].

Inspection and copies of such documents.

91. Subject to such rules and the previous payment of such fees as the Local Government prescribes in this behalf, all documents and maps mentioned in section 90, clauses (*a*), (*b*), (*c*) and (*e*), and all registers of the documents mentioned in clause (*d*), shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

[s. 92.]

Burmese registration-rules confirmed.

92. All rules relating to registration enforced in Lower Burma *prior to the commencement of the Indian Registration Act, 1877*, shall be deemed to have had the force of law, and no suit or other proceeding shall be maintained against any officer or other person in respect of anything done under any of the said rules.

III of 1877.

Repeals.

[*Cf.* s. 2, para. 2.]

Repeals.

93. (*1*) The enactments mentioned in the schedule are repealed to the extent specified in the fourth column thereof.

[New.]

(*2*) *Nothing herein contained shall be deemed to affect any provision of any enactment in force in any part of British India and not hereby expressly repealed.*

THE SCHEDULE.

REPEAL OF ENACTMENTS.

(See section 93.)

Year.	No.	Short title.	Extent of repeal.
1877	III	The Indian Registration Act, 1877.	The whole.
1879	XII	The Registration and Limitation Acts Amendment Act, 1879.	So much as is unrepealed.
1883	XIX	The Land Improvement Loans Act, 1883.	So much of section 12 as is unrepealed.
1886	VII	The Indian Registration Act, 1886.	The whole.
1888	VII	The Civil Procedure Code Amendment Act, 1888.	So much as is unrepealed.
1891	XII	The Amending Act, 1891.	In the second schedule the entries relating to Act III of 1877.
1899	XVII	The Indian Registration (Amendment) Act, 1899.	The whole.

STATEMENT OF OBJECTS AND REASONS.

1. This is a pure consolidating Bill. The provisions relating to the registration of documents are now scattered about in seven enactments. The object of the present Bill is to collect these provisions and to incorporate them in one Act. This will make the law more easily ascertainable. It will further clear the Statute-book of three entire Acts and will enable two more Acts to be entirely removed from it on the coming into force of the Code of Civil Procedure, 1908, and of the Indian Limitation Bill, now before Council.

2. The fact that the General Clauses Act, 1897, will apply to the Bill when passed has rendered it unnecessary to retain some provisions of the present Acts. The opportunity has been taken to incorporate alterations of a formal character intended merely to improve and simplify the language of the existing Act. The numbering of the sections of the Act of 1877 has been preserved.

3. It has been found that the mere process of consolidation might result in the law being changed in some respects. To avoid this some few amendments appear to be necessary, and to these reference is made in the *Notes on Clauses* below.

4. A table showing the disposal of the sections of the Act is appended to this Statement.

H. ERLE RICHARDS.

The 22nd July 1908.

Notes on Clauses.

Clause 46.—Section 46 of the Act saves the provisions of section 259 of the Indian Succession Act, 1865, relating to the filing and preservation of wills in the Courts of District Judges and Delegates. Exactly the same provisions have since been enacted in section 81 of the Probate and Administration Act, 1881, in respect of wills to which the Succession Act does not apply; these provisions being contained in a later enactment are not affected by the provisions of the Registration Act to the contrary. To avoid any question as to the effect of the re-enactment of the law relating to registration and to preserve the law unaltered, the provisions of section 81 of the Probate and Administration Act have been expressly saved by introducing a reference to that enactment in the clause.

Clause 49.—The words " in accordance with the provisions of this Act " occurring at the end of section 49 of the Act may give rise to some difficulty if they are retained in this clause. No doubt seems ever to have been cast on the view that under the law, as it stands, documents prior to the Act of 1877, if registered in accordance with the law for the time being in force, are not rendered inoperative or inadmissible in evidence by this section. Regard being had however to the terms of clause 17, which reproduces section 17 of the Act, a strict adherence to the definition of the word " registered " contained in the General Clauses Act, section 3 (45), might lead to a construction of clause 49 which would make these documents inoperative and inadmissible if the words quoted above are retained. They have accordingly been omitted.

Clause 50.—The words " if duly registered " in section 50 of the Act have been interpreted by the Bombay High Court to mean " registered under this Act " so that an unregistered document of which registration is optional would be avoided by a later registered document of which registration is compulsory only if the latter document has been registered under the Act of 1877 (*Shivram* v. *Saya*, I. L. R. 13 Bom. 229). The effect of leaving the words as they are would be that by virtue of section 3 (45) of the General Clauses Act, 1897, they would mean " registered under the law for the time being in force." Accordingly a document registered under any Act prior to the Act of 1877 would acquire priority over a previous unregistered document. This would alter the law as interpreted in Bombay; but as it is not quite clear what is the view taken of the section by the other High Courts the wording of the section has been left unaltered for the present. Attention is invited to the point.

Clause 93 (2).—The provisions of the Act relating to optional registration have to a great extent been superseded by the provisions of sections 54 and 59 of the Transfer of Property Act, 1882, in cases to which that Act extends. Special provisions relating to the registration of certain documents are also contained in some other later enactments, as, for instance, in section 12 of the Bengal Tenancy Act. Clause 93 (2) is inserted to make it clear beyond doubt that the re-enactment of these partially superseded provisions of the Registration Act is not intended to effect any alteration in the existing law.

Table showing disposal of the sections of Act III of 1877 and of the amending enactments.

Sections.	Clause of the Bill.	REMARKS.
Act III of 1877—		
1, paragraphs 1, 2 ...	1	
1, paragraph 3 ...	Omitted.	The consolidating Act will come into force at once.
1, paragraph 4 ...	Do.	See General Clauses Act, 1897, section 21.
2, paragraph 1	*Cf.* 93 (1)	
2, paragraph 2	Omitted.	See General Clauses Act, 1897, section 24.
2, paragraph 3 ...	Do.	See General Clauses Act, 1897, section 8.
3	2	Clause relating to " signature" and " signed " omitted: see General Clauses Act, 1897, section 3 (52).

Table showing disposal of the sections of Act III of 1877 and of the amending enactments.

Sections.	Clause of the Bill.	REMARKS.
4, paragraphs 1, 2 ...	3	
4, paragraphs 3, 4 ...	4	
5 to 22	5 to 22	In clause 9 the words "where there is a Cantonment Magistrate" have been omitted: see Act XIII of 1889, section 5.
23, paragraphs 1, 2 ...	23	
23, paragraph 3 ...	24	
24	25	
25	26	
26	Omitted.	See General Clauses Act, 1897, section 10 (1).
27 to 77	27 to 77	
78, paragraph 1 ...	78	
78, paragraph 2 ...	Omitted.	See General Clauses Act, 1897, section 21.
79 to 82	79 to 82.	
83, paragraphs 1, 2 ...	83	
83, paragraph 3 ...	Omitted.	See Criminal Procedure Code, 1898, Chapter III.
83, paragraph 4 ...	Do.	See General Clauses Act, 1897, section 25.
84 to 92	84 to 92.	
Act XII of 1879—		
Section 104	See 35 (3).	
" 105	See 51 (2).	
" 106	See 83 (2).	
" 107	See 89 (2).	
Act XIX of 1883—		
Section 12 (1) ...	See 17 (2) (ix)	
" 12 (3) ...	See 89 (1)	
Act VII of 1886—		
Section 1	Omitted	Short title and commencement.
" 2	See 17 (2) (iii).	
" 3 (1)... ...	See 17 (2) (x).	
" 3 (2)	See 58 (i).	
" 3 (3)	See 89 (3).	

Table showing disposal of the sections of Act III of 1877 and of the amending enactments.

Sections.	Clause of the Bill.	REMARKS.
Section 4	See 17 (2) (xi).	
" 5	See 50 (2).	
" 6 (1)... ...	See 90 (1) (*e*).	
" 6 (2)	See 91.	
" 6 (3)... ...	Omitted	Unnecessary: it gives retrospective effect to the amendments effected by section 6.
Act VII of 1888—		
Section 65 (1) ...	See 17 (2).	
" 65 (2) ...	See 50 (2).	
" 65 (3) ...	Omitted	It gives retrospective operation to the amendments and saves previous orders of Courts.
Act XII of 1891—		
Schedule II—Entries relating to Act III of 1877.	......	
No. 1	Omitted	See General Clauses Act, 1897, section 21.
No. 2	Omitted	See General Clauses Act, 1897, section 25.
No. 3	See 89 (4).	
No. 4	See 90 (*c*).	
Act XVII of 1899—		
Section 1	Omitted	Short title and commencement.
" 2	See 22.	

J. M. MACPHERSON,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 7th August, 1908:

No 11 of 1908.

THE INDIAN EMIGRATION BILL.

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The Indian Emigration Bill.

(*Chapter I.—Preliminary.*)

A Bill to consolidate the enactments relating to the Emigration of Natives of India.

WHEREAS it is expedient to consolidate the enactments relating to the emigration of Natives of India and their departure by sea out of India *for certain purposes;* It is hereby enacted as follows:— [The bracketed marginal references indicate the corresponding provisions of existing Acts; where no Act is mentioned, the reference is to Act XXI of 1883.]

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Indian Emigration Act, 190 ; and [s. 1.]

(*2*) It extends to the whole of British India.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,— [s. 6]

(i) "dependent" means any of the following persons accompanying any emigrant namely:—

(*a*) any woman who has not entered into an agreement to emigrate under this Act;

(*b*) any child in whose name and on whose behalf any such agreement has not been entered into; and

(*c*) any aged or incapacitated relative or friend:

(ii) "emigrant" means any Native of India who emigrates, or has emigrated, within the meaning of clause (iv) or who has been registered under this Act as an emigrant, and includes any dependent of an emigrant:

(iii) "emigrant-vessel" means a vessel the master of which is licensed under this Act to carry emigrants therein:

(iv) "emigrate" and "emigration" denote the departure by sea out of British India of a Native of India under an agreement to labour for hire in some country beyond the limits of India other than the island of Ceylon or the Straits Settlements:

(v) "labour" means unskilled labour and does not include any work or other occupation of the nature hereinafter referred to in Chapter XI: [Act X of 1902, s. 3.]

(vi) "Magistrate" means, in the Presidency-towns, a Presidency Magistrate, and elsewhere a District Magistrate or a Sub-divisional Magistrate, and includes also any person appointed by the Local Government to perform in any area the functions of a Magistrate under this Act:

(vii) "master" means any person (except a pilot or harbour-master) having for the time being control or charge of a vessel:

(viii) "recruiter" includes a head recruiter or other person who collects or receives emigrants recruited by other persons:

(ix) "Registering Officer" means any person appointed by the Local Government to perform in any area the functions of a Registering Officer under this Act: and

(x) "vessel" includes anything made for the conveyance by water of human beings or property.

(*2*) In case of any doubt or dispute as to whether any person should be deemed— [s. 6 A; Act X of 1902, s. 4.]

(*a*) to emigrate, or

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(*b*) to be a Native of India,

within the meaning of this Act, the question shall be determined by such person and in such manner, as the Governor General in Council may, by rules made under this Act, direct, and such determination shall be final.

CHAPTER II.

PORTS FROM WHICH, AND COUNTRIES TO WHICH, EMIGRATION IS LAWFUL.

[s. 7 (1).] Ports from which emigration is lawful.

3. (*1*) Emigration shall not be lawful except from the ports of Calcutta, Madras, Bombay *and Karachi* and from such other ports as the Governor General in Council, by notification in the Gazette of India, declares to be ports from which emigration is lawful.

[s. 7 (3)] (*2*) The Local Government may, by notification in the *local* official Gazette, fix for the purposes of this Act the limits of any port from which emigration is lawful.

[s. 8.] Countries to which emigration is lawful.

4. (*1*) Emigration shall not be lawful except to the countries specified in the first schedule and to such other countries as the Governor General in Council, by notification in the Gazette of India, declares to be countries to which emigration is lawful.

(*2*) Every notification under this section must contain a declaration that the Governor General in Council has been duly certified that the Government of the country to which the notification refers has made such laws and other provisions as the Governor General in Council thinks sufficient for the protection of emigrants to that country during their residence therein.

[s. 9.] Power for Governor General in Council to prohibit emigration to any country.

5. (*1*) *Where* the Governor General in Council has reason to believe that any of the grounds, hereinafter mentioned, for prohibiting emigration to any country to which emigration is lawful, exists, he may, by notification in the Gazette of India, declare that emigration to that country shall cease to be lawful from a day specified in the notification; and from that day emigration to that country shall accordingly cease to be lawful.

(*2*) The grounds referred to in sub-section (*1*) are—

(*a*) that the plague or any other epidemic disease dangerous to human life has broken out in the country;

(*b*) that the mortality among emigrants in the country is excessive;

(*c*) that proper measures have not been taken for the protection of emigrants immediately on their arrival in the country or during their residence therein;

(*d*) that the agreements made with emigrants as such before their departure from India are not duly enforced by the Government of the country; and

(*e*) that the Governor General in Council, having, either directly or through the Secretary of State for India in Council, addressed the Government of the country with a view to obtain information regarding the condition or treatment of emigrants therein, has not within a reasonable time received the information asked for.

Power for Local Government to suspend emigration pending reference to Governor General in Council. [s. 10]

6. (*1*) *Where* the Local Government has reason to believe that, in any country to which emigration is lawful, the plague or other epidemic disease dangerous to human life has broken out, and that emigrants, if allowed to emigrate to that country, would be exposed to serious risk of life on arrival there, it may, by notification in the *local* official Gazette, declare that emigration to that country from any port in the territories administered by it shall cease to be lawful pending a reference to the Governor General in Council.

(*2*) The Local Government shall at once report the publication of a notification under this section, with the reasons for it, to the Governor General in Council, who shall thereupon publish a notification in the Gazette of India confirming or cancelling the notification published by the Local Government.

Revocation of prohibition. [s. 11.]

7. *Where* the Governor General in Council is satisfied that the ground on which a notification has been published by him under either of the two last foregoing sections with respect to any country has ceased to exist, he may, by notification in the Gazette of India, declare that emigration to that country shall again be lawful from a day to be specified in the notification.

Power for Local Government to prohibit emigration to specified country from the whole or any specified part of its territories. [s. 12 (1).]

8. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the *local* official Gazette, prohibit, from a day specified in the notification, all Natives of India or any specified class of *such* Natives from emigrating from the whole or any specified part of the territories under its administration to any specified country.

Saving for acts done before publication of notification. [s. 13

9. The publication of a notification under any of the four last foregoing sections shall not affect any act done, offence committed or proceedings commenced before the publication.

CHAPTER III.

EMIGRATION AGENTS.

Appointment of Emigration Agents. [s. 1

10. (*1*) The Government of every country to which emigration is lawful may, from time to time, appoint a person to be Emigration Agent in any port from which emigration is lawful.

(*2*) An appointment under this section shall not take effect until the Local Government, by notification in the *local* official Gazette, has declared its approval of the appointment.

Remuneration of Agents. [s. 1

11. The remuneration to be given to an Emigration Agent shall not depend on, or be regulated by, the number of emigrants sent by him, but shall be in the nature of a fixed salary:

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Provided that the Governor General in Council may authorize the payment to specified Emigration Agents of special fees for occasional work.

CHAPTER IV.

PROTECTORS OF EMIGRANTS AND MEDICAL INSPECTORS.

[s. 16 (1).] 12. (*1*) The Local Government may appoint a proper person to be the Protector of Emigrants for any port within the territories administered by it from which emigration is lawful.

Appointment of Protectors of Emigrants.

[s. 16 (2).] (*2*) The Governor General in Council may define the area to which the authority of any Protector of Emigrants so appointed shall extend.

[s. 16 (4).] (*3*) Every Protector of Emigrants shall be a public servant within the meaning of the Indian
XLV of 1860. Penal Code.

[s 17.] 13. Every Protector of Emigrants, in addition to the special duties assigned to him by this Act or the rules made under this Act, shall—

General duties of Protector.

(*a*) protect and aid with his advice all emigrants;

(*b*) cause, so far as he can, all the provisions of this Act and of the rules made under this Act to be complied with;

(*c*) inspect, on arrival, all vessels bringing return-emigrants to the port for which he is Protector;

(*d*) enquire into the treatment received by the return-emigrants both during the period of their service in the country to which they emigrated, and also during the return voyage, and report thereon to the Local Government; and

(*e*) aid and advise the return emigrants so far as he reasonably can.

8; Act of ..., s. 5] 14. (*1*) The Local Government may appoint one or more Medical Inspectors of Emigrants at each port from which emigration is lawful and may apportion their respective duties.

Appointment of Medical Inspector.

(*2*) Every Medical Inspector of Emigrants shall be a public servant within the meaning
of 1860. of the Indian Penal Code.

..9.] 15. Every Emigration Agent and all persons in charge of, or employed in, any depôt established under this Act, or in charge of, or employed in, any emigrant-vessel, shall give the Protector of Emigrants and the Medical Inspector of Emigrants every facility for making such inspections, examinations and surveys as are required by this Act or by the rules made under this Act, or as those officers may deem necessary or proper, and shall afford them all such information as they may reasonably require.

Protector and Medical Inspector to have facilities for inspection.

CHAPTER V.

RECRUITERS.

16. (*1*) The Protector of Emigrants at each of the ports from which emigration is lawful shall, on the application of the Emigration Agent for any country to which emigration is lawful, grant licenses to so many fit persons as to the Protector seems necessary to be recruiters of emigrants within the area to which the authority of the Protector extends. [s. 20.]

Protector of Emigrants to license recruiters.

(*2*) A person shall not, unless he holds a license granted under this Chapter,—

(*a*) enter into, or attempt to enter into, any agreement with any person purporting to bind him to emigrate, or,

(*b*) in consideration of any hire or reward, induce or attempt to induce any person to leave any place for the purpose of emigrating, or

(*c*) act or be employed in any other respect as a recruiter of emigrants.

(*3*) Every recruiter shall produce his license when called upon to do so by any Magistrate or officer in charge of a police-station.

17. Every license granted under this Chapter shall specify the particular country for which, and the area within which, the holder is licensed to recruit, and may be in the form set forth in the second schedule. [s. 21.]

Form of license.

18. (*1*) A license granted under this Chapter shall not be in force for a longer period than one year from the day on which it comes into force. [s. 22.]

Duration of license.

(*2*) The Protector of Emigrants may, on the ground of misconduct, cancel any license granted by him under this Chapter before the expiration of the period for which it is in force.

19. (1) A recruiter shall not, in any place beyond the limits of a port from which emigration is lawful, enter or attempt to enter into any agreement with any person purporting to bind him to emigrate, or induce or assist, or attempt to induce or assist, any person to leave any place for the purpose of emigrating, or act or be employed in any other respect as a recruiter of emigrants unless his license bears the countersignature of the District Magistrate. [s. 23.]

Countersignature of license.

(*2*) If a District Magistrate has satisfied himself, after such enquiry as he thinks necessary, that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, he may refuse to countersign a recruiter's license.

(*3*) If a District Magistrate has satisfied himself, after such enquiry as aforesaid, that sufficient and proper accommodation has not been provided in a suitable place, or is not available, for such intending emigrants or emigrants as may be collected by the recruiter pending their registration or removal to the depôt at the port of embarkation, he may refuse to countersign a recruiter's license or to decide whether he will countersign his license until after the expiration of such time as may in his opinion be reasonable.

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(Chapter V.—Recruiters. Chapter VI.—Registration of Emigrants and Execution of Agreements to Emigrate)

(4) Before a Magistrate refuses to countersign, or defers his countersignature of, a recruiter's license, he shall record in writing his reasons for so doing.

[s. 24.] 20. If any Magistrate, having countersigned a recruiter's license, afterwards finds reason to think that the licensee is, by character or from any other cause, unfitted to be a recruiter under this Act, or that the accommodation provided for intending emigrants or emigrants collected by him has become unsuitable or has ceased to be available, he may require the licensee to produce his license, and may cancel the countersignature on it, or may impound the license and send it for cancellation to the Protector of Emigrants who granted it.

Power for Magistrate to cancel countersignature in certain cases.

[s. 25.] 21. When a Magistrate countersigns, or refuses to countersign, a recruiter's license, or cancels the countersignature on it, he shall at once report the countersignature, or the refusal or cancellation, and the grounds of the refusal or cancellation, to the Protector of Emigrants who granted the license.

Notice to Protector of Emigrants of countersignature, refusal to countersign or cancellation of countersignature.

[s. 26.] 22. (1) The Emigration Agent on whose application any recruiter is licensed shall supply the recruiter with a written or printed statement, signed by the Agent, and countersigned by the Protector of Emigrants, of the terms of agreement which the recruiter is authorized to offer on behalf of the Agent to intending emigrants.

Recruiter to be supplied with statement of terms of agreement he is authorized to offer.

(2) The statement shall be both in English and in the vernacular language or languages of the local area within which the recruiter is licensed to recruit.

(3) The recruiter shall give a true copy of the statement to every person whom he invites to emigrate, and shall produce the statement for the information of any Magistrate or officer in charge of a police-station, when called upon to do so by the Magistrate or officer.

[s. 27.] 23. (1) Every recruiter shall provide sufficient and proper accommodation in a suitable place for such intending emigrants or emigrants as may be collected by him pending their registration or removal to the port of embarkation.

Accommodation to be provided by recruiters.

(2) The place where the accommodation is provided shall have a board fixed in some conspicuous position specifying the purpose for which the place is used.

(3) Every District Magistrate, and any subordinate Magistrate, or officer of Police authorized in this behalf by a rule made under this Act, shall have, for the supervision and regulation of the places where accommodation is provided under this section, the same powers as are by this Act conferred on a Protector of Emigrants in respect of depôts at the port of embarkation.

(4) All recruiters or other persons in charge of these places shall afford every Magistrate and any officer of Police authorized as aforesaid in this behalf every facility for visiting and inspecting them.

CHAPTER VI.

REGISTRATION OF EMIGRANTS AND EXECUTION OF AGREEMENTS TO EMIGRATE.

24. The Local Government may appoint any person to perform in a specified area, but subject to the control of the District Magistrate or such other officer as the Local Government appoints in this behalf, the functions of a Registering Officer under this Act.

Power for Local Government to appoint Registering Officers.

25. Every agreement to emigrate entered into by any person must,—

Execution of agreements.

(a) if executed within the limits of any port from which emigration is lawful, be executed in the presence of the Protector;

(b) if executed elsewhere, be executed in the presence of a Registering Officer.

26. Every recruiter who desires to engage any person to emigrate shall appear before a Registering Officer or the Protector of Emigrants (as the case may be) with that person, and with any persons intending to accompany that person as his dependents.

Appearance of intending emigrants before Registering Officer.

27. (1) The Registering Officer or Protector shall thereupon examine the person, apart from the recruiter, with reference to his intended agreement.

Examination and registration of emigrant.

Act X of 1890.

(2) *If on such examination* it appears,—

(a) that such person is competent and willing to enter into the agreement and understands its nature,

(b) that he has not been induced to enter into it by any coercion, undue influence, fraud, misrepresentation or mistake, and

(c) that its terms are in conformity with law, and are such as, according to the statement furnished to the recruiter under section 22, he was authorized to offer,

the Registering Officer or Protector shall, subject to the provisions of section 29, register in a book to be kept for the purpose, in such form as the Governor General in Council, by rules made under this Act, prescribes,—

(i) the name, sex, name of the father, caste, occupation and age of the intending emigrant,

(ii) the name of the village or place of which he is a resident, and

(iii) such other particulars (if any) concerning him and his dependents (if any) as the Governor General in Council, by rules made under this Act, prescribes.

28. (1) Notwithstanding anything contained in the last foregoing section, the Registering Officer or Protector may refuse to register any married woman under that section if he finds that her husband does not consent to her emigrating.

Power to refuse registration in cases of married women.

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(Chapter VI.—Registration of Emigrants and Execution of Agreements to emigrate. Chapter VII.—Emigration Depôts.)

(2) The Registering Officer or Protector may also, in the case of any woman whom he believes to be married, refuse to decide whether he will register her until after the expiration of such time, not exceeding ten days, as he thinks fit.

[s. 33.] 29. (1) When any person appears before a Registering Officer or Protector under section 26 as a dependent of an intending emigrant, the Registering Officer or Protector shall, if the person is able to give intelligent answers to questions, examine him, apart from the recruiter, as to his dependence on the intending emigrant whom he is about to accompany, and as to his willingness to emigrate.

Examination of dependent.

(2) Where the Registering Officer or Protector sees reason to doubt the existence of the dependence or willingness, he may, if he thinks fit, refuse to register the intending emigrant, unless the name of the dependent is omitted from the register.

30. *Where* the Registering Officer or Protector refuses to register any intending emigrant, he shall record his reasons for the refusal.

Record of reasons for refusal to register.

XVIII [... s. 2.] 31. (1) *Where* the particulars concerning any intending emigrant and his dependents (if any) have been registered, the Registering Officer or Protector shall cause an agreement to be prepared in duplicate and shall call on the recruiter and the intending emigrant to execute the agreement in duplicate in his presence, and, if they execute it, shall attest the execution with his signature.

Execution and attestation of agreement.

(2) An agreement to emigrate shall not be of any effect until the particulars concerning the intending emigrant and his dependents (if any) have been registered, and the agreement has been executed and attested under this Act.

(3) When the particulars concerning any intending emigrant and his dependents (if any) have been registered and an agreement has been executed and attested under this Act, the intending emigrant shall be deemed to be registered under this Act as an emigrant.

XVIII [... s. 2.] (4) Any number of intending emigrants appearing with the same recruiter before the Registering Officer or Protector at the same time, and desiring to emigrate on the same terms to the same country, may, with the permission of the Registering Officer or Protector (as the case may be), execute one instrument of agreement under this section, instead of each of such intending emigrants executing a separate instrument.

32. Every agreement to emigrate shall contain a copy of the particulars registered concerning the intending emigrant and his dependents (if any) under section 27, and on the reverse such particulars concerning the nature, duration and term of service and the remuneration of the emigrant, and such other matters (if any) as the Governor General in Council, by rules made under this Act, prescribes.

Contents of agreement.

XVIII [... s. 3.] 33. When the agreement has been executed and attested,—

Record of registrations and agreements.

(a) one of the copies thereof shall be delivered to the emigrant, and the other shall be retained by the Protector or sent by the Registering Officer to him; and

(b) a certified copy of the particulars registered under section 27, concerning the emigrant or emigrants by whom the agreement was executed, and concerning his or their dependents (if any), shall be delivered to the recruiter for transmission to the Emigration Agent.

34. For the preparation of every agreement under this Chapter the recruiter or Emigration Agent shall pay such fee as the Governor General in Council, by notification in the Gazette of India, prescribes: [s. 38.]

Fee for preparation of agreement.

Provided that the Governor General in Council may at any time, by like notification, declare that the fee payable under this section shall be consolidated, either generally or in any specified area, with the fee payable under section 68.

35. Notwithstanding anything to the contrary in the Indian Contract Act, 1872, it shall be lawful for any person of the age of sixteen years or upwards to enter in manner in this Act provided into an agreement to emigrate to any place to which emigration is lawful. [s. 39.] IX of 1872.

Power to make agreement if over sixteen.

36. Any person entering into an agreement to emigrate, and being the parent or guardian of a child under the age of sixteen years and above the age of ten years, may, in the name of and on behalf of the child, enter into an agreement in manner in this Act provided binding the child to emigrate with him. [s. 40.]

Power to make agreement on behalf of child or ward.

CHAPTER VII.

EMIGRATION DEPÔTS.

37. Every Emigration Agent shall establish at the port for which he is appointed a suitable depôt for the reception and lodging of emigrants before embarkation for the country for which he is Emigration Agent, and shall provide all necessary food and clothing for all emigrants during their stay at the depôt. [s. 41.]

Depôts to be established at ports of embarkation.

38. (1) A depôt established under the last foregoing section shall not be used for the reception and lodging of emigrants until it has been inspected and approved by the Protector of Emigrants and the Medical Inspector of Emigrants, and a license for its use has been granted by the Protector. [s. 42.]

Licensing of depôts.

(2) A license under this section shall not be granted for a longer period than one year from the day on which it comes into force.

(3) The Protector of Emigrants may at any time cancel a license under this section—

(a) if he considers that the depôt for which it was granted is unhealthy, or has in any respect become unsuitable [illegible]; purpose for which it w[illegible] or

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(*b*) if the Emigration Agent fails, after reasonable notice, to comply with any of the requirements of this Act or of the rules made under this Act.

[s. 43.] 39. *Inspection by Protector and Medical Inspector.* The Protector of Emigrants and the Medical Inspector shall, from time to time, and at least once in every week during which any emigrants may be kept in any depôt at the port for which they are Protector and Medical Inspector, respectively, inspect the emigrants in that depôt and examine the state of the depôt and the manner in which the emigrants therein are lodged, fed, clothed and otherwise provided for and attended to.

[s. 44.] 40. *Report by Medical Inspector.* The Medical Inspector shall report to the Protector of Emigrants any circumstance that may come to his knowledge showing that any depôt is not suitable for its purpose, or that the emigrants lodged therein are treated with any oppression or neglect.

[s. 45.] 41. *Treatment of emigrant suffering from disease.* (*1*) The Medical Inspector may, if he thinks fit, direct that any emigrant suffering from any disease likely to be dangerous to his neighbours shall be isolated or excluded from the depôt.

(*2*) The Medical Inspector may, if he thinks fit, order the removal of any emigrant so suffering to a proper hospital for treatment at the expense of the Emigration Agent; and the expense (if any) incurred by the Protector of Emigrants in respect of the removal of the emigrant and his treatment in the hospital shall be recoverable from the Emigration Agent by the Protector of Emigrants, with interest thereon at the rate of six per centum per annum from the date on which the expense was incurred.

CHAPTER VIII.

CONVEYANCE OF EMIGRANTS TO DEPÔTS AND PROCEDURE ON ARRIVAL.

[s. 46.] 42. *Emigrant not to be removed before registration.* A recruiter shall not remove or attempt to remove any intending emigrant to a depôt, or induce or attempt to induce him to go to a depôt, or to leave the local limits of the jurisdiction of the Magistrate by whom the recruiter's license has been countersigned, or aid him in going to a depôt, or in leaving any such local limits, until the intending emigrant has been registered under this Act as an emigrant.

[s. 47.] 43. *Conveyance of emigrant to depôt.* (*1*) Every emigrant must, after he has been registered under this Act, be conveyed with all convenient despatch, by or under the orders of the recruiter or Emigration Agent, to the depôt established at the port of embarkation by the Emigration Agent on whose application the recruiter has been licensed.

(*2*) When an emigrant has been registered at a place beyond the limits of the port of embarkation, he must, while proceeding to the depôt, be accompanied throughout the journey either by the recruiter himself, or by a competent person appointed by him with the approval of a ... Officer of Police.

(*3*) The Magistrate shall give to the person so appointed a certificate signed by him stating that he has been appointed for the journey to the depôt.

(*4*) The recruiter or the person so appointed shall, throughout the journey, provide the emigrant with proper and sufficient food and lodging.

44. *Report of arrival at depôt.* The arrival at a depôt of each emigrant must immediately be reported by the person in charge of the depôt to the Emigration Agent and by the Agent to the Protector of Emigrants. [s. 48.]

45. *Examination by Medical Inspector.* (*1*) The copy of the particulars registered under section 27, received by the recruiter from the Registering Officer or Protector, must, as soon as conveniently may be after the arrival of the emigrant at the depôt, be shown by the Emigration Agent to the Medical Inspector of Emigrants. [s. 49; Act XVII, 1890, s. 4]

(*2*) The Medical Inspector shall examine each emigrant *whose name is* entered in the said copy to ascertain whether he is fit, having regard to his age and state of health, to undertake the journey to the country to which he has agreed to emigrate.

(*3*) The Medical Inspector, if satisfied of his fitness, shall give a certificate to that effect to the Emigration Agent. If not so satisfied, he shall give a certificate to that effect to the Protector of Emigrants.

46. *Power for Protector to order payment of expenses of return of emigrant in certain cases.* (*1*) In any of the following cases, namely:— [s. 50.]

(*a*) if the Medical Inspector of Emigrants finds that an emigrant is, or has become, unfit to undertake the journey to the country to which he has agreed to emigrate, and if the Protector of Emigrants considers that the emigrant has not dishonestly represented himself as fit to undertake the journey, or

(*b*) if the Protector finds that any such irregularity has occurred in the recruitment or treatment by the recruiter of any emigrant as makes it just to rescind the agreement to emigrate, or

(*c*) if the Emigration Agent refuses to fulfil the agreement entered into with the emigrant,

the Protector may order the Emigration Agent to pay to the emigrant such sum as the Protector deems reasonable as compensation, and, when the emigrant has been registered at a place beyond the limits of the port of embarkation, such reasonable sum as is necessary to enable him to return to the place at which he was registered, and may take any steps which he thinks necessary for the conveyance of the emigrant to that place.

(*2*) Any emigrant who has been registered at any place beyond the limits of the port of embarkation, and who from his state of health is, in the opinion of the Medical Inspector of Emigrants, unfit to undertake at once the return-journey to the place at which he was registered, shall be entitled to be fed, lodged,

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clothed and attended to at the depôt at the expense of the Emigration Agent until he is reported by the Medical Inspector fit to undertake the return-journey.

[s. 51.] 47. (*1*) Where any order is made under the last foregoing section with reference to any emigrant who was registered at any place beyond the limits of the port of embarkation—

Payment of expenses of dependents and relatives.

(*a*) any emigrant who has been registered as his dependent, or

(*b*) any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of the emigrant,

shall be entitled—

(i) to be conveyed at the expense of the Emigration Agent with the emigrant to the place at which he was registered; and

(ii) if the emigrant is unable to travel, to be lodged, fed and clothed in the depôt at the expense of the Emigration Agent until the emigrant is able to travel.

(*2*) The Protector of Emigrants may include any expenses incurred under this section in an order made under the last foregoing section with respect to the emigrant.

[s. 52.] 48. If it appears that during the journey to the depôt any emigrant has suffered any ill-treatment, or that, in the case of any emigrant who has been registered at a place beyond the limits of the port of embarkation, the provisions of section 43 have not been complied with, the Protector of Emigrants may order the Emigration Agent to pay—

Compensation to emigrant for ill treatment on journey.

(*a*) to the emigrant a reasonable sum by way of compensation, and

(*b*) to the Protector the expenses (if any) which may have been incurred by or under the orders of the Protector on behalf of the emigrant by reason of the neglect to comply with the provisions of section 43.

[s. 53] 49. (*1*) On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any sum to an emigrant under any of the last three foregoing sections, the Protector may pay the same to the emigrant.

Power for Protector to pay and recover expenses incurred on behalf of emigrant.

(*2*) Every sum paid by the Protector to an emigrant under sub-section (*1*), and, on failure of the Emigration Agent for twenty-four hours to comply with an order for payment thereof under the last foregoing section, every sum which the Protector may have ordered the Emigration Agent to pay to him under that section, shall be recoverable from the Emigration Agent with interest thereon at the rate of six per centum per annum from the date of payment.

(*3*) Further proof shall not be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay the sum, and that the Emigration Agent for twenty-four hours failed to comply with the order.

CHAPTER IX.

EMIGRANT-VESSELS.

50. *An* emigrant *shall not be received* on board any vessel unless a license to carry emigrants in the vessel has been obtained from the Local Government. [s. 54.]

Master of emigrant-vessel to be licensed.

51. (*1*) When the master or owner of any vessel desires to obtain a license to carry emigrants in his vessel, he shall apply in writing through the Protector of Emigrants to the Local Government for the license.

Application for license.

(*2*) The application must state the number of emigrants which, according to the rules as to space contained in this Chapter, the applicant deems the vessel capable of carrying, and the tonnage and such other particulars respecting the vessel as the Governor General in Council, by rules made under this Act, prescribes.

52 (*1*) The Protector of Emigrants shall cause the vessel to be surveyed by a competent person at the cost of the master or owner, with a view to ascertain her seaworthiness, and the extent and nature of her accommodation for emigrants, and to ascertain that she is properly ventilated, and is supplied with all the tackle, apparel and furniture requisite for her intended voyage: [s. 56; Act XVIII of 1890, s. 5.]

Survey and licensing of vessel.

Provided that, if the vessel is a steam-ship having a certificate of survey granted by the Board of Trade or any British Colonial Government or under the Indian Steamships Act, 1884, and in force and applicable to her intended voyage, the survey under this sub-section with a view to ascertain her seaworthiness shall not extend to her hull or machinery unless the Protector of Emigrants has reason to believe that, since the grant of the certificate, her hull or machinery has sustained injury or damage or has otherwise become inefficient. VII of 1884.

(*2*) If the Local Government is of opinion that the vessel is in all respects suitable for the carrying of emigrants under this Act, and is properly manned and officered, it shall give to the master of the vessel a license to carry emigrants therein specifying the number of emigrants which may be received on board.

53. (*1*) A license shall not be granted under the last foregoing section unless— [s. 57.]

Accommodation required on board emigrant-vessel.

(*a*) there is provided for the emigrants, either between decks or, subject to the approval of the Protector of Emigrants and the Medical Inspector, in cabins on the upper deck, a space devoted to the exclusive use of the emigrants having in every part a height of not less than six feet;

(*b*) a separate place is fitted up for a hospital; and

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(*c*) such arrangements are made for the separation of women (married or single) and children from the other emigrants as the Governor General in Council, by rules made under this Act, prescribes.

(*2*) The cabins on the upper deck provided under clause (*a*) of this section must be firmly secured and entirely covered in.

[s. 58] 54. *Rules as to space on board emigrant-vessel.* Every emigrant vessel *shall* contain within the space referred to in clause (*a*) of the last foregoing section at least twelve superficial feet and seventy-two cubic feet of space for each emigrant:

Provided that two emigrants under the age ot ten years shall for the purposes of this section count as one only.

[s. 59.] 55. *Provisions, clothing fuel and water.* There *shall* be on board every emigrant-vessel, at the time of departure of the vessel from the port at which they embark, provisions, clothing, fuel and water for the emigrants (over and above the supply for the master officers and crew, and of the cabin and other passengers, if any), in such quantity and of such description and quantity as the Governor General in Council, by rules made under this Act, prescribes.

[s. 60.] 56. *Surgeons, attendants, medicines and stores.* Every emigrant-vessel *shall*, at the time of departure of the vessel from the port at which the emigrants embark, have on board, and *shall* carry with her, a properly qualified surgeon, and also such compounders, interpreters and attendants subordinate to the surgeon, and such medicines and other stores, in such quantity and of such quality as the Governor General in Council by rules made under this Act, prescribes.

[s. 61.] 57. *Duty of Protector and Medical Inspector with respect to enforcement of foregoing sections.* The Protector of Emigrants and the Medical Inspector of Emigrants shall see personally that all the provisions of the last two foregoing sections are complied with.

[s. 62] 58. (*1*) *Bond to be executed by master of emigrant-vessel.* Every master licensed under this Act shall, on the requisition of the Protector of Emigrants, and before any emigrant embarks on board his vessel, execute to the Protector, in duplicate, a bond, in such form as the Local Government prescribes, binding himself and the owner of the vessel in a penal sum of ten thousand rupees, to perform the duties imposed by this Act or any rule made under this Act on a master and owner, respectively.

(*2*) The Protector of Emigrants shall forward one copy of the bond to such officer as may be appointed in this behalf by the Government of the country to which the emigrants are to be conveyed, or, in the case of a foreign colony, to the British Consular Agent, and the other copy to the Local Government.

CHAPTER X.

EMBARKATION AND DEPARTURE.

s. 63.] 59. *Time of embarkation after arrival.* An emigrant shall not embark, except with the permission of the Protector of Emigrants, until seven days have elapsed from the date of his arrival at the depôt.

60. (*1*) *Time at which emigrant-vessels may leave India.* An emigrant-vessel shall not sail from any port in British India— [s.

(*a*) to any country west of the Cape of Good Hope, except at such seasons as the Governor General in Council, by rules made under this Act, prescribes as seasons during which it shall be lawful for emigrant-vessels generally, or of a class to which the vessel belongs, to sail to that country;

(*b*) to any country during any season which the Governor General in Council, by notification in the Gazette of India, declares to be a season during which the sailing of emigrant-vessels to that country is prohibited.

61. *Procedure if emigrant refuses to embark.* If any emigrant without sufficient cause refuses or neglects to embark when called on by the Emigration Agent to do so, it shall not be lawful to compel the emigrant to embark: [s. 65

Provided that nothing in this section shall affect the civil or criminal liabilities which an emigrant incurs by reason or in respect of any such refusal or neglect.

62. (*1*) *List of, and passes for, emigrants.* When any emigrants are about to embark on board any vessel, the Emigration Agent shall supply the master of the vessel with four copies of a list, specifying, as accurately as may be, the names, ages and occupations of the emigrants, and the names of their respective fathers. [s. 66.]

(*2*) The master shall not receive any emigrant on board unless he is provided with a pass, signed by the Emigration Agent, and countersigned by the Protector, stating the name and age of the emigrant, the name of his father, and the country to which he has agreed to emigrate, and certifying that he is in a fit state of health to undertake the voyage to that country.

(*3*) Every emigrant shall on embarkation deliver the pass to the master.

(*4*) The master shall compare the emigrants who embark and the passes delivered by them with the list supplied by the Emigration Agent; and, if the list appears to be correct and to correspond with the passes delivered and with the emigrants embarked, the master shall sign the four copies of the list.

(*5*) The master shall not permit any emigrant to remain on board who has not delivered up his pass to the master or is not mentioned in the list.

63. (*1*) *Disposal of the two copies of list to be given by master to Protector.* When the copies of the list have been signed, the master shall give two of the copies to the Protector of Emigrants, who shall sign them if he believes them to be correct. [s 67

(*2*) The Protector shall send one of the copies so signed by him by the vessel which carries the emigrants to such officer as may be appointed in this behalf by the Government of the country to which the emigrants have agreed to emigrate, or, in the case of a foreign colony, to the British Consular Agent, and shall file the other copy in his own office.

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[s. 68.] Disposal of the two copies of list to be given by master to Emigration Agent.

64. (*1*) The master shall give to the Emigration Agent the two remaining copies of the list.

(*2*) The Emigration Agent shall thereupon sign the copies, and shall return one of them to the master.

(*3*) The master shall, on the arrival of the vessel at the country to which the emigrants have agreed to emigrate and before their disembarkation, deliver the copy so returned to him to such officer as may be appointed in this behalf by the Government of the country, or, in the case of a foreign colony, to the British Consular Agent.

[s. 69.] Examination of emigrants by Medical Inspector.

65. (*1*) The Medical Inspector shall be present at the embarkation of all emigrants, and shall examine each emigrant to ascertain if he is in a fit state of health to undertake the voyage to the country to which he has agreed to emigrate; and, if he finds that he is not fit to undertake the voyage, he shall inform the Protector accordingly.

(*2*) The Protector may thereupon refuse to permit the emigrant to embark; and any emigrant, registered as a dependent of an emigrant whom the Protector has refused to permit to embark, or any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of the emigrant, may, notwithstanding anything in this Act, refuse to embark.

(*3*) The provisions of sections 46, 47 and 49 shall apply to emigrants who under this section are not permitted to embark, and to any emigrants who under this section refuse to embark, and to the recovery of expenses incurred under this Act in respect of them.

[s. 71.] Certificates from Protector of Emigrants and Emigration Agent.

66. Before any emigrant-vessel clears out of any port, the master of the vessel shall obtain from the Protector of Emigrants at the port, and from the Emigration Agent for the country to which the emigrants are to be conveyed, certificates, signed by the Protector and Emigration Agent, respectively, to the effect that the Protector and Agent have, in respect of all the emigrants embarking at that port in the vessel, done all that is required by the foregoing provisions of this Act, or by the rules made under this Act, to be done on the part of the Protector and Agent, respectively, and that all the directions for the security, well-being and protection of emigrants which are contained in this Act or in the rules made under this Act have, in the case of that vessel, been complied with.

[s. 72] Copies of Act and rules to be kept on board.

67. The master of every emigrant-vessel shall keep on board the vessel during the whole voyage two copies of this Act, and of all rules made under this Act, and two copies of a translation of this Act, and of those rules, in such language or languages as the Local Government directs, and shall, on request made at any reasonable time, produce one of those copies to any emigrant for his perusal.

[s. 73.] Fee for each embarked emigrant.

68. For each emigrant who embarks on board an emigrant-vessel the Emigration Agent shall pay to the Protector of Emigrants a fee of such amount as the Governor General in Council, by notification in the Gazette of India, prescribes:

Provided as follows:—

(*a*) the fee payable under this section shall not be more than is, in the opinion of the Governor General in Council, sufficient to raise the total income from fees under this Act to an amount which will cover the cost of any establishment or supervision which the Governor General in Council thinks necessary to provide for the control of emigration;

(*b*) if it appears to the Governor General in Council expedient to provide, in the case of any country, any special establishment or expenditure for the protection of Indian emigrants to that country, the Governor General in Council may increase the fee payable in the case of emigrants to that country to an amount sufficient, in his opinion, to cover the cost of the special establishment or expenditure.

[s. 74.] Master to see to observance of Act and rules on board his vessel.

69. Every master licensed under this Act shall see that all the provisions of this Act and the rules made under this Act are observed on board his vessel during the voyage from British India to the country to which the emigrants are to be conveyed.

[s. 75.] Return of pass to emigrant.

70. The master shall return his pass to each emigrant before he disembarks in the country to which he has agreed to emigrate.

Special Provisoins as to Vessels sailing from Calcutta.

[s. 76.] Emigrant-vessel sailing from Calcutta to depart within twenty-four hours of embarkation.

71. The master of every vessel carrying emigrants from the port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the emigrants as have first embarked.

[s. 77.] Emigrant-vessel sailing from Calcutta to be towed to sea.

72. Every sailing-vessel leaving the port of Calcutta with emigrants shall proceed from Garden Reach to sea under tow of a steamer declared to be competent by such officer as the Local Government appoints in this behalf.

[s. 78.] Power of surgeon of emigrant-vessel leaving Calcutta to require sick emigrants to be sent to hospital.

73. (*1*) *Where* an emigrant-vessel leaves the port of Calcutta, if during her passage down the river, and while between Garden Reach and Diamond Harbour, the disease of measles, scarlet-fever or small-pox appears on board, the master shall, if so required by the

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surgeon in charge of the emigrants, send to the hospital at Diamond Harbour all emigrants suffering from the disease, with any emigrants registered as their dependents and any emigrant who, not being a dependent, is the father, mother, wife, husband, son, daughter, brother, sister, guardian or ward of any such emigrant and who wishes to accompany him or her, and shall at once inform the Protector of Emigrants at Calcutta of the number and names of the emigrants so sent to hospital.

(2) The provisions of sections 46, 47 and 49 shall, so far as may be, apply to emigrants landed under this section, and to the recovery of expenses incurred in respect of them.

[s. 79.] 74. (1) In the event of cholera in an epidemic form appearing among the emigrants on board any such vessel carrying emigrants from the port of Calcutta, the surgeon in charge of the emigrants may require the master to land all the emigrants on board the vessel at Diamond Harbour.

Power of surgeon of emigrant vessel leaving Calcutta to require all emigrants to be landed when cholera appears.

(2) The master shall at once comply with the request of the surgeon, and shall immediately give notice of his having done so to the Protector of Emigrants at Calcutta, who shall take such action thereon as the Governor General in Council, by rules made under this Act, prescribes.

CHAPTER XI.

[See Act X of 1902, s. 6.] DEPARTURE OF NATIVES OF INDIA BY SEA OUT OF INDIA FOR CERTAIN PURPOSES.

[ss. 107, 112 A (1).] 75. (1) Whoever desires to engage any Native of India to depart by sea out of India for the purpose—

Application for permission to engage Natives of India to depart abroad for certain purposes.

(a) of working as an artisan, or

(b) of any exhibition or entertainment, or

(c) of service in any restaurant, tea-house or other place of public resort, or,

(d) save as provided in sub-section (2), of domestic service,

in any place beyond the limits of India other than the Island of Ceylon or the Straits Settlements, shall apply for the permission of the Local Government having jurisdiction at the port from which such person is to depart, and shall state in his application—

(i) the number of the persons whom he proposes so to engage;

(ii) the place or places beyond the limits of India to which such persons and their dependents are to proceed;

(iii) the accommodation to be provided for such persons and their dependents until their departure out of India and during the voyage;

(iv) the provision to be made for the health and well-being of such persons and their dependents during the period of the proposed engagement, and for their repatriation at the end of such period;

(v) the terms of the agreements under which such persons are to be engaged; and

(vi) the security in British India which he proposes to furnish for the due observance of such agreements and for the proper treatment of the persons to be engaged and their dependents.

(2) Nothing in sub-section (1) shall be deemed to apply to any person who in good faith—

(a) engages a Native of India to accompany him out of India as his personal domestic servant, or

(b) engages in compliance with the request of some other person, not being in India, a Native of India to depart out of India for the purpose of becoming the personal domestic servant of such other person.

Explanation.—For the purposes of this Chapter—

(i) *the word "port" shall mean a port from which emigration is lawful, or any port which the Governor General in Council, by notification in the Gazette of India, notifies in this behalf; and* [Act X 1904, s.]

(ii) the words "emigrant" and "emigrate" in the definition of "dependent" in section 2, sub-section (1), clause (i), shall be read as referring to the departure by sea out of India of a person whom it is desired to engage under this Chapter.

76. On receiving an application under section 75 the Local Government may, after such inquiry as may be necessary, grant the permission applied for on such terms and conditions (if any) and on payment of such fees (if any) as it thinks fit, or withhold such permission, and the decision of the Local Government shall be final. [s. 1… Act … 1904, s.]

Applications how to be disposed of.

77. (1) Before any Native of India departs from India in accordance with permission granted under section 76, the person by whom he has been engaged shall appear before the Protector of Emigrants at the port of embarkation with such Native of India and with any persons intending to accompany him as his dependents. [s. 1…]

Appearance of engaged persons before, and registration of names by, Protector of Emigrants.

(2) If it appears to the Protector of Emigrants—

(a) that permission to engage such Native of India has been duly obtained,

(b) that the terms of the agreement under which such Native of India has been engaged are in accordance with the terms of the permission granted, and

(c) that the conditions on which such permission was granted have been complied with,

he shall register in a book to be kept for the purpose such particulars concerning such Native of India and his dependents (if any) and concerning the person engaging him in such form as *the Governor General in Council*, by rules made under this Act, *prescribes*.

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[s. 110.] 78. Where such security as is referred to in section 75, sub-section (*1*), sub-clause (vi), has been furnished, the Local Government may, after such inquiry as may be necessary, pass orders in regard to the forfeiture of the security and the application of the same or of any part thereof, or may order the return of the security or of any part thereof to the person by whom it was furnished, or to his representative.

Provisions as to security.

[s. 112.] 79. The Local Government may, by notification in the local official Gazette, authorize a Protector of Emigrants to receive or dispose of applications made under this Chapter:

Delegation to Protector of Emigrants of authority to receive or dispose of applications.

Provided that an appeal shall lie to the Local Government from every order passed by a Protector of Emigrants in exercise of the authority so conferred.

[112 A (2).] 80. For the purposes of the application of this Chapter at any port notified under *clause (i) of the explanation to section 75*—

Application of Chapter to ports from which emigration is not lawful.

(*a*) such port shall be deemed to be a port from which emigration is lawful, and

(*b*) such officer as the Local Government may appoint in this behalf shall be deemed to be the Protector of Emigrants.

CHAPTER XII.

RULES.

[ss. 80, 81 (4) 113 (2).] 81. (*1*) The Governor General in Council may, *by notification in the Gazette of India*, make rules consistent with this Act—

Power for Governor General in Council to make rules.

[See Act of 190 , sec. 6.] (*a*) to prescribe the person by whom any doubt or dispute referred to in sub-section (2) of section 2 shall be determined and the procedure to be followed and the proof to be required in such cases;

(*b*) to provide for the supervision and regulation of places of accommodation provided under this Act, and to define the classes of Magistrates and the officers of Police to be authorized to visit and inspect those places;

(*c*) to prescribe the form of the register required under this Act, and the particulars to be entered therein, and to regulate the control to be exercised over Registering Officers by the District Magistrate or officer (if any) appointed in this behalf under this Act;

(*d*) to prescribe the forms of the agreements to be made under this Act, and the particulars to be contained therein, and the language or languages in which agreements must be expressed;

(*e*) to prescribe the conditions on which licenses for the establishment of depôts under this Act may be given, to provide for the supervision and regulation of depôts, and for the medical care of the emigrants during their residence there, and the measures to be taken on the outbreak of any epidemic or infectious disease there;

(*f*) to prescribe the forms to be supplied by Emigration Agents and recruiters for the purposes of this Act;

(*g*) to prescribe the particulars which the owner or master of a vessel applying for a license to carry emigrants in his vessel must state;

(*h*) to regulate the proportion of women to be ordinarily carried in any emigrant-vessel with male emigrants, and to prescribe the arrangements to be made for the separation of women (married or single) and children from the other emigrants on board an emigrant-vessel;

(*i*) to prescribe the description, quantity and quality of provisions, fuel and water to be taken by emigrant-vessels, the daily allowance of food and water to be issued, and the nature and amount of clothing to be supplied to each emigrant during the voyage;

(*j*) to fix the number of the compounders, interpreters and attendants subordinate to the surgeon to be carried for the care of the sick or weakly on board each emigrant-vessel;

(*k*) to prescribe the nature, quantity and quality of medicines and other stores to be carried on board emigrant-vessels;

(*l*) to provide for the ventilation and cleanliness of every emigrant-vessel during a voyage, and for its being furnished with a sufficient number of life-buoys, boats, water-buckets and other appliances to be used in case of shipwreck or fire;

(*m*) to prescribe the seasons at which alone emigrant-vessels or specified classes of emigrant-vessels may sail from any port in British India to any country west of the Cape of Good Hope to which emigration is for the time being lawful;

(*n*) to provide for the disposal of emigrants who may be landed under section 74;

(*o*) to provide for the medical care of the emigrants on the voyage, and to provide for the measures to be taken on the outbreak of any epidemic or infectious disease on a voyage;

(*p*) to provide for a journal being kept by the surgeon of every emigrant-vessel, recording the health of the emigrants, and his treatment of the sick, with full explanation of the causes of every death; and to define the duties and powers of the surgeon in respect of the emigrants committed to his care;

(*q*) to define and regulate the powers and duties of the several officers appointed by the Government under this Act;

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(*r*) generally to provide for the security, well-being and protection of emigrants; and

[s. 113 (1).] (*s*) to carry into effect the provisions of Chapter XI:

Provided that the Local Government may, in special cases, notwithstanding anything contained in rules made under clause (*h*) of this section, permit an emigrant-vessel to sail, though it does not carry the proportion of women required to be carried in ordinary cases.

[*cf.* s. 81.] (*2*) *The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.*

CHAPTER XIII.

OFFENCES.

[s. 82.] Unlawful recruiting.

82. (*1*) Whoever, except in conformity with the provisions of this Act or of the rules made under this Act,—

(*a*) makes, or attempts to make, any agreement with any Native of India, purporting to bind him to emigrate, or

(*b*) in consideration of any hire or reward, induces, or attempts to induce, any Native of India to leave any place for the purpose of emigrating, or otherwise acts or is employed as a recruiter of emigrants, or

(*c*) in consideration of any hire or reward, receives into or detains in any place, or, being a recruiter, in any place other than a place in which accommodation has been provided in accordance with this Act or the rules made under this Act, any person with a view to his being registered as an emigrant, or after his registration as an emigrant and before his departure for the depôt at the port of embarkation,

shall be punish*able* with fine which may extend to five hundred rupees.

(*2*) If any person, otherthan a recruiter licensed under this Act, commits an offence under this section, any Police-officer may arrest him without warrant.

[s. 83.] Recruiters removing unregistered emigrants to depôt.

83. Whoever, being a recruiter licensed under this Act,—

(*a*) before any intending emigrant has been registered under this Act as an emigrant,—

(i) removes or attempts to remove *him* to a depôt, or,

(ii) induces, or attempts to induce, him to leave the local limits of the jurisdiction of the Magistrate by whom the recruiter's license has been countersigned, or

(iii) aids, or attempts to aid, him in leaving any such local limits or going to any depôt, or

(*b*) fails to give a true copy of the statement with which he is provided under section 22 to any person whom he invites to emigrate, or

(*c*) fails to provide any emigrant whom he has engaged, and who has been registered at a place beyond the limits of the port of embarkation, with suitable lodging and food, or otherwise ill-treats any emigrant on his journey to the depôt,

shall be punish*able* with fine which may extend to five hundred rupees.

Fraudulently inducing Native to emigrate.

84. Whoever, by means of intoxication, coercion or fraud, causes, or induces, or attempts to cause or induce, any Native of India to emigrate, or to enter into any agreement to emigrate, or to leave any place with a view to emigrating, shall be punish*able* with imprisonment for a term which may extend to one year, or with fine, or with both.

False representation of Government authority.

85. Whoever,—

(*a*) without lawful authority, issues any written order to the Police to assist himself or any other person to procure emigrants, or

(*b*) falsely represents that any emigrants are required by the Government or are to be engaged on behalf of the Government,

shall be punish*able* with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Receiving emigrants on board vessel in contravention of Act.

86. Any master of a vessel *who*—

(*a*) knowingly receives on board his vessel any emigrant who has not complied with the provisions of this Act or the rules made under this Act, so far as they are binding on him, or,

(*b*) not being licensed under this Act, knowingly receives any emigrant on board his vessel, or,

(*c*) being licensed under this Act, knowingly receives on board his vessel any emigrant in excess of the number specified in his license,

shall be punish*able* with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees for each emigrant so received, or with both; and the vessel, her tackle, apparel and furniture may be declared by the Court before which the master is tried to be forfeited to His Majesty.

Fraudulent acts on part of master.

87. Any master licensed under this Act *who* fraudulently does, or suffers to be done, any act or thing whereby the license becomes inapplicable to the altered state of the vessel or other matter to which the license relates, shall be punish*able* with fine which may extend to five thousand rupees,

and he may also be sued on any bond which he may have executed under section 58.

Clearance without compliance with Act.

88. Any master of an emigrant-vessel *who* clears, or attempts to clear, his vessel outwards when any of the provisions of section 53, 55 or 56 have

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not been complied with in respect of his vessel, shall be punish*able* with fine which may extend to four thousand rupees.

[s. 89.] Failure of master to comply with provisions as to lists and passes.

89. Any master *who* receives on board his vessel any emigrants and fails to comply with the requirements of sections 62, 63 and 64 in respect of those emigrants, shall be punish*able* with fine which may extend to two hundred rupees for each emigrant so received on board.

[s. 90.] Master taking on board, after clearance, emigrants not entered in list.

90. Any master *who*, having cleared his vessel, takes on board any emigrant not entered in the list mentioned in section 62 or not furnished with a pass required by that section, shall be punish*able* with fine which may extend to two hundred rupees for each emigrant so taken.

[s. 91.] Master landing emigrant at other than specified country.

91. Any master *who* lands any emigrant in any country other than the country for which he has been shipped by the Emigration Agent, shall be punish*able* for every emigrant so landed with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both, unless the landing has been caused by stress of weather or unavoidable accident, or has taken place under the provisions of section 73 or 74.

[s. 92.] Failure to comply with provisions as to leaving Calcutta.

92. Any master of a sailing-vessel leaving the port of Calcutta with emigrants on board *who*—

(*a*) does not leave Garden Reach with his vessel within the time prescribed in section 71, or,

(*b*) without reasonable excuse, causes or allows his vessel to go below Garden Reach without being in tow of such a steamer as is referred to in section 72,

shall be punish*able* with fine which may extend to one thousand rupees.

[s. 93.] Emigrant deserting or refusing to proceed to depôt.

93. (*1*) Any emigrant *who*—

(*a*) deserts before arrival at depôt, or

(*b*) refuses without reasonable cause to proceed to the depôt,

shall be punish*able* with fine which may extend to twenty rupees, or to the cost incurred in entering into an agreement with, registering and conveying him to the depôt, whichever is greater, and, in default of payment of the fine, with imprisonment which may extend to one month.

(*2*) Any fine levied under this section may, in the discretion of the convicting Magistrate, be paid to the Emigration Agent or recruiter by whom the cost was incurred.

[s. 94.] Emigrant deserting from depôt or failing to embark.

94. (*1*) Any emigrant *who*—

(*a*) deserts from the depôt, or

(*b*) without reasonable cause, refuses or neglects to embark when called upon to do so by the Emigration Agent,

shall be punish*able* with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or to double the amount of the cost incurred in entering into an agreement with, registering and conveying him to the depôt, and maintaining him therein, or with both.

(*2*) Any fine levied under this section may, in the discretion of the convicting Magistrate, be paid to the Emigration Agent or recruiter by whom the cost was incurred.

Causing, or permitting, embarkation of emigrant in contravention of section 59.

95. Any person *who* causes, or any master *who* knowingly permits, any emigrant to embark contrary to the provisions of section 59, shall be punish*able* with fine which may extend to two hundred rupees for each emigrant so embarked. [s. 95.]

Offences against provisions of Chapter XI.

96. Whoever,— [s. 111 (1).]

(*a*) without having first obtained the permission of the Local Government referred to in section 75, sub-section (*1*), enters or attempts to enter into an agreement purporting to bind any Native of India to depart by sea out of India for any of the purposes specified in the said sub-section, or

(*b*) causes any Native of India engaged by him for any such purpose as aforesaid to depart from any port which is not a port from which emigration is lawful, *or which has not been notified under clause (i) of the explanation to section 75*, or

(*c*) causes any Native of India engaged by him, after grant of the permission referred to in section 76, to depart by sea out of India without registration of the particulars required by section 77, sub-section (2),

shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to two hundred and fifty rupees for each Native of India in respect of whom the offence is committed.

Institution of prosecutions.

97. Prosecutions under sections 86 to 96 (both inclusive) shall not be instituted except as follows, namely:— [s. 96, s. 111 (2).]

(*a*) prosecutions under sections 86 to 92, both inclusive, by the Emigration Agent, or by the Protector of Emigrants, or by an officer appointed for the purpose by the Local Government;

(*b*) prosecutions under section 93, by or with the sanction of a Magistrate or Registering Officer or of the Protector of Emigrants at the port of embarkation;

(*c*) prosecutions under section 94, by the Emigration Agent with the sanction of the Protector;

(*d*) prosecutions under sections 95 *and* 96 by the Protector of Emigrants or by an officer appointed for the purpose by the Local Government.

Defence to charges of desertion.

98. The following shall be good defences to charges under sections 93 and 94, respectively, namely:— [s. 97.]

The Indian Emigration Bill.

(Chapter XIII.—Offences. Chapter XIV.—Supplemental.)

(*a*) to a charge under section 93, that the accused person or other emigrants accompanying him has or have been ill-treated, deceived or defrauded by the recruiter or any person under his control;

(*b*) to a charge under section 94, that the emigrant has suffered any ill-treatment or neglect in the depôt or on the journey thither.

[s. 98.] Power for Customs-officers to search and detain for purposes of Act.

99. All the powers for the time being conferred by law on officers of sea-customs with regard to the searching and detention of vessels or otherwise for the prevention of smuggling on board thereof, may be exercised by those officers for the prevention of offences against this Act.

CHAPTER XIV.

SUPPLEMENTAL.

[s. 99.] Power for Local Government to appoint Magistrate for purposes of Act.

100. The Local Government may appoint any person to perform within a specified area the functions of a Magistrate under this Act.

[s. 100.] Suits against Emigration Agent for breach of duty.

101. (*1*) *Where* an Emigration Agent is chargeable with a breach of any duty to an emigrant arising from any agreement with the emigrant or imposed by this Act or the rules made under this Act, the Protector of Emigrants may, if he thinks fit, institute a suit on behalf of the emigrant against the Emigration Agent for the recovery of compensation for the breach.

(*2*) In awarding compensation under this section all sums ordered to be paid under section 46 or section 48 shall be taken into consideration.

[s. 101.] Power for Governor General in Council to determine probable lengths of voyages for purposes of Act.

102. (*1*) The Governor General in Council may, by notification in the Gazette of India, determine what shall be held to be, for the purposes of this Act, the probable length of the voyages by sailing-vessels and vessels using steam power, respectively, from any port from which, to any country to which, emigration is for the time being lawful.

(*2*) Until otherwise determined under this section, the probable length of the voyage by sailing-vessels from the ports mentioned in the third schedule to the countries mentioned in that schedule, shall be deemed to be the lengths stated in that schedule.

[s. 102; Act XVIII of 1890, s. 7; Act VII of 1897, s. 2.] Provision supplementary to section 2, *sub-section (1)* (iv), of this Act.

103. On and from such a date as the Governor General in Council may, by notification in the Gazette of India, *have fixed or may hereafter, by like notification,* fix in this behalf with respect to any protected Native State adjoining the Straits Settlements, or with respect to any country for labour in which Natives of India are recruited exclusively through the agency of the Government of the Straits Settlements, a Native of India *departing* by sea out of British India under an agreement to labour for hire in any such State or country shall not, so long as the notification continues to apply to the State or country, be deemed to emigrate within the meaning of this Act.

Application of Act to emigration from British ports to French and Dutch Colonies.

104. The provisions of this Act shall apply to emigration from British Indian ports—

(*a*) to the French colonies, under the terms of the Convention executed at Paris on the first day of July 1861, and ratified at the same place on the thirtieth day of July 1861, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French; and

(*b*) to the Netherlands colony of Dutch Guiana under the terms of the Convention executed at The Hague on the eighth day of September 1870, and ratified at the same place on the seventeenth day of February 1872, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of the Netherlands:

Provided that the provisions of this Act shall not apply to the French colonies, or any one of them, until a notification under section 4, sub-section (1), has been issued in respect of such colonies or colony:

Provided *also* that, in any case in which there is any conflict between the provisions of this Act and those contained in either of those Conventions, the latter shall prevail.

Application of Act to proceedings in British India connected with emigration from French ports in India to French colonies.

105. The provisions of this Act shall, so far as they relate to proceedings which are to be conducted in British India, apply, in the case of Natives of India who depart by sea from a French port in India under an agreement to labour for hire in a French colony, under the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French referred to in the last foregoing section as if such Natives were emigrants within the meaning of this Act: [s

Provided that, in any case in which there is any conflict between the provisions of this Act and those contained in that Convention, the latter shall prevail.

Prohibition of departure by land of a Native of India under an agreement to labour for hire in some country beyond the sea.

106. (*1*) The departure by land out of British India of a Native of India under, or with a view to entering into, an agreement to labour for hire in some country beyond the sea other than the Island of Ceylon or the Straits Settlements is prohibited: [s. Act I s. 1.]

Provided that nothing in this section applies to the departure by land of a Native of India for the purpose of departing by sea from a French port in India under an agreement to labour for hire in a French colony in accordance with the Convention referred to in section 104, clause (*a*), and section 105.

The Indian Emigration Bill.

(Chapter XIV.—Supplemental. (Chapter XV.—Savings and Repeals. The First Schedule.—Countries to which Emigration is lawful.)

(The Second Schedule.—Form of Recruiter's License.)

(2) Whoever induces, or attempts to induce, any Native of India to depart by land out of British India in contravention of this section shall be deemed to have committed an offence under section 82.

[s. 106; Act I of 1896, s. 2] 107. The Governor General in Council may, by notification in the Gazette of India, declare that all or any of the provisions of this Act or the rules thereunder shall not apply, or shall apply subject to such conditions, modifications or restrictions as to the Governor General in Council may seem expedient, in the case of Natives of India departing out of British India under an agreement made with, or on behalf of, His Majesty's Government to labour for hire in any country beyond the sea:

Power to declare whole or part of Act and rules inapplicable to Natives of India engaged for *His* Majesty's Government to labour for hire in any country beyond the sea.

Provided that no notification under this section shall be issued unless the Governor General in Council is first satisfied that the fair treatment of Natives of India so departing out of British India has, by rules or otherwise, duly been secured.

CHAPTER XV.

SAVINGS AND REPEALS.

[s. 2.] 108. Nothing in this Act or in any rule made under this Act shall apply to any vessel belonging to, or in the service of, His Majesty or of the Government of India.

Saving for Government vessels.

[s. 5.] 109. All contracts entered into under the Indian Emigration Act, 1871, and Act No. XIV of

Savings.

VII of 1871. 1872 (*to exempt the Straits Settlements from the Indian Emigration Act, 1871*), or under any enactment hereby repealed, and in force at the commencement of this Act, shall, so far as they are consistent with this Act, be deemed to have been entered into under this Act.

110. The enactments mentioned in the fourth schedule are hereby repealed to the extent specified in the fourth column thereof.

Repeals.

THE FIRST SCHEDULE.

(See section 4.)

COUNTRIES TO WHICH EMIGRATION IS LAWFUL.

I.—The British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, Nevis, Fiji *and Seychelles*.

II.—The Netherlands Colony of Dutch Guiana

III.—The Danish Colony of St. Croix.

THE SECOND SCHEDULE.

(See section 17.)

FORM OF RECRUITER'S LICENSE.

OFFICE of the Protector of Emigrants at the Port of

A. B., described in the descriptive roll annexed, is hereby licensed under the Indian Emigration Act, 190 , to be a recruiter of emigrants for [*here state the country for which the recruiter is licensed to recruit*] in [*here specify the area within which the recruiter is licensed to recruit*].

This license will be in force until the of unless previously cancelled.

(*Signed*) C. D.,
Protector of Emigrants.

Dated the *day of* .

Descriptive Roll.

Name.	Father's name.	Age.		Caste.	Colour.	Height.		Distinguishing marks.	Name of Village, local sub-division (tahsil, taluq, etc.,) and district to which he belongs.
		Years.	Months.			Feet.	Inches.		

THE THIRD SCHEDULE.

(See section 102.)

PROBABLE LENGTHS OF VOYAGE BY SAILING VESSEL UNDER THIS ACT.

FROM CALCUTTA—

To Mauritius ...	From the month of April to the month of October, both inclusive, ten weeks; and from the month of November to the month of March, both inclusive, eight weeks
To Fiji, British Guiana, Trinidad, Grenada, St. Vincent, St. Kitts, Nevis, St. Croix, and Dutch Guiana.	*Eighteen* weeks.
To Natal	Twelve weeks.
To Jamaica and St. Lucia	Twenty weeks.

FROM MADRAS—

To Mauritius ...	From the month of April to the month of October, both inclusive, seven weeks; and from the month of November to the month of March, both inclusive, six weeks.
To the Seychelles ...	During the north-east monsoon, five weeks; and during the south-west monsoon, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, Nevis, St. Croix, and Dutch Guiana.	Nineteen weeks.
To Natal	Ten weeks.
To Fiji	Seventeen weeks.

FROM BOMBAY—

To Mauritius ...	From the month of April to the month of September, both inclusive, five weeks; and from the month of October to the month of March, both inclusive, six weeks.
To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts, Nevis, St. Croix, and Dutch Guiana.	Nineteen weeks.
To Natal	Ten weeks.
To Fiji	Seventeen weeks.

The Indian Emigration Bill.

(The Fourth Schedule.—Enactments repealed.)

THE FOURTH SCHEDULE

(See section 110.)

ENACTMENTS REPEALED.

1	2	3	4
Year.	No.	Subject or short title.	Extent of repeal.
1883	XXI	The Indian Emigration Act, 1883.	So much as has not been repealed.
1890	XVIII	The Indian Emigration Act (1883) Amendment Act, 1890.	The whole.
1896	I	The Indian Emigration Act (1883) Amendment Act, 1896.	Ditto.
1897	VII	The Indian Emigration Act Amendment Act, 1897.	Ditto.
1902	X	The Indian Emigration (Amendment) Act, 1902.	Ditto.
1904	XII	The Indian Emigration (Amendment) Act, 1904.	Ditto.
1908		The Indian Emigration (Amendment) Act, 1908.	Ditto.

STATEMENT OF OBJECTS AND REASONS.

1. THIS is a pure consolidating Bill. The provisions as to emigration are now scattered about in six Acts to which will be added a seventh when the Bill for the further amendment of the Indian Emigration Act, 1883, now before Council, is passed. The object of the present Bill is to collect these provisions and to incorporate them in one Act. The result will be that the law will be more easily ascertainable and that one Act will take the place of seven on the Statute-book.

2. The fact that the General Clauses Act, 1897, will apply to the Bill when passed has rendered it unnecessary to retain some provisions of the present Acts. The opportunity has been taken to incorporate alterations of a formal character intended merely to improve and simplify the language of the existing Act. Chapter XIV of the Indian Emigration Act, 1883, was added by Act X of 1902; the provisions of this Chapter with the exception of section 111 have been removed to their proper place and form Chapter XI of the Bill; section 111, which relates to offences, has been placed in Chapter XIII. The saving and repealing clauses are placed at the end.

3. No amendment has been made in the existing Act except on the points to which reference is made in the *Notes on Clauses* below.

4. A table showing the disposal of the sections of the Act of 1883 and the amending Acts is appended.

The 29th July 1908. H. ERLE RICHARDS.

Notes on Clauses.

Clause 3 (1).—Karachi has been added as emigration from it has been declared to be lawful by notification under section 7 (*1*).

Clause 104 and the First Schedule.—Emigration to the French Colonies mentioned in paragraph II of the Schedule has been prohibited by notifications issued by the Governor General in Council; emigration to those places is not at present lawful and they have therefore been removed from the schedule. As, however, emigration to those places may again be made lawful by the issue of a notification under clause 4 (*1*), sub-clause (*a*) of section 103, which applies the provisions of the Act to emigration from British ports to French Colonies, has been retained as clause 104 (*a*) with a proviso that it is to take effect only in the event of such a notification being issued.

First Schedule.—The Seychelles has been added to paragraph I; emigration to it has been declared lawful by a notification issued under section 8 (*1*) of the Act.

Third Schedule.—References to the French Colonies have been removed as emigration to those places is, as above explained, not at present lawful.

The probable lengths of voyages by sailing vessels to some of the places mentioned in the schedule have been altered and the length of voyages to the Seychelles has been declared, by notifications issued under section 101 of the Act. The schedule has been amended accordingly.

Table showing disposal of Sections of Act XXI of 1883, and of the amending Acts.

Section.	Clause of the Bill.	REMARKS.
ACT XXI OF 1883—		
1	1	
2	108	
3	Omitted ...	Unnecessary as the consolidating Act will come into force at once.
4	*Cf.* 110	
5	109	
6	2 (1)	
6A	2 (2)	
7 (1)	3 (1)	
7 (2)	Omitted ...	See General Clauses Act, 1897, section 21.
7 (3)	3 (2)	
8	4	
9	5	
10	6	
11	7	
12 (1)	8	
12 (2)	Omitted ...	Ditto ditto.
13	9	
14	10	
15	11	
16 (1) and (2)	12 (1) and (2)	
16 (3)	Omitted ...	See General Clauses Act, 1897, section 16.
16 (4)	12 (3)	
17	13	
18	14	
19	15	
20	16	
21	17	
22	18	
23	19	
24	20	
25	21	
26	22	
27	23	
28	24	
29	25	
30	26	
31	27	

4-k

Section.	Clause of the Bill.	REMARKS.
32	28	
33	29	
34	30	
35	31	
36	32	
37	33	
38	34	
39	35	
40	36	
41	37	
42	38	
43	39	
44	40	
45	41	
46	42	
47	43	
48	44	
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54	50	
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56	52	
57	53	
58	54	
59	55	
60	56	
61	57	
62	58	
63	59	
64	60	
65	61	
66	62	
67	63	
68	64	
69	65	
70	Omitted ...	Repealed by Act XVIII of 1890.
71	66	
72	67	

Section.	Clause of the Bill.	REMARKS.
73	68	
74	69	
75	70	
76	71	
77	72	
78	73	
79	74	
80 (1)	81 (1) (a) to (q) and *proviso*	
80 (2)	Omitted ...	See General Clauses Act, 1897, section 14.
81 (1) (2) (3)	*Cf.* 81 (2) ...	Ditto ditto, section 23.
81 (4)	*Cf.* 81 (1), first paragraph, added words.	Ditto ditto, section 23 (5).
82 to 95	82 to 95	
96	97	
97	98	
98	99	
99	100	
100	101	
101	102	
102 (1)	103	
102 (2)	Omitted ...	See General Clauses Act, 1897, section 21.
103	*Cf.* 104	
104	105	
105	106	
106	107	
107	75	
108	76	
109	77	
110	78	
111 (1)	56	
111 (2)	See 97 (d)	
112	79	
112 A (1)	75, expl (1)	
112 A (2)	80	
113	81 (1), (2); 81 (2)	
Schedules of Act.	Schedules of Bill.	
I, II, III	I, II, III	

Sections.	Clause of the Bill.	REMARKS.
ACT XVIII OF 1890—		
1	See 27 (1)	
2	" 31 (1)	
	" 31 (4)	
3	" 33	
4	" 45	
5	" 52 (1), proviso	
6	Omitted ...	Repealing section 70 of Act XXI of 1883.
7	See 103	
8	Omitted ...	Saving certain Notifications. See General Clauses Act, 1897 section 24.
ACT I OF 1896—		
1	See 106 (1)	
2	" 107	
ACT VII OF 1897—		
1	Omitted ...	Short title and commencement.
2	See 103	
ACT X OF 1902—		
1	Omitted ...	Short title and commencement.
2	See preamble	
3	See 2 (1) (v)	
4	See 2 (2)	
5	Omitted ...	Repealing clause (a) of the proviso to section 105 of Act XXI of 1883.
6	Chapter XI and clauses 96 and 97 (d).	
ACT XII OF 1904—		
1	Omitted ...	Short title.
2	See 76	
3	See 75, expl. (1); 80	
ACT OF 1908—		
1	Omitted ...	Short title.
2	Do. ...	Unnecessary.
3	Do. ...	Repealing proviso to section 6 of Act XXI of 1883.
4	See 2 (2)	
5	See 14	
6	See 81 (1) (a)	

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, SEPTEMBER 25, 1908.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 11th September, 1908, and is hereby promulgated for general information :

ACT NO. X OF 1908.

An Act to make special provision for the payment of duty on salt in certain cases.

WHEREAS it is expedient to make special provision for the payment of duty on salt in certain cases; It is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Indian Salt-duties Act, 1908; and

(*2*) It extends to the whole of British India.

Payment of duty in certain cases.

2. Where by any enactment any duty is imposed on any salt manufactured in or imported into or transported within British India, the Governor General in Council or the Local Government may, by notification in the official Gazette, make rules providing for the payment of such duty within a period not exceeding six months from the date on which payment is due, and for the furnishing of security for such payment ; and salt may be manufactured, imported or transported in accordance with rules so made as if the duty payable thereon had been paid.

J. M. MACPHERSON,

Secretary to the Government of India.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 13, 1908.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 30th October, 1908, and is hereby promulgated for general information :

ACT NO. XII OF 1908.

An Act further to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient further to amend the Indian Emigration Act, 1883; It is hereby enacted as follows:— XXI of 1883.

Short title.

1. This Act may be called the Indian Emigration (Amendment) Act, 1908.

Meaning of "India" in Act XXI of 1883.

XXI of 1883. 2. In the Indian Emigration Act, 1883, the word "India", wherever it occurs, shall bear the meaning given to it by clause (27) of section 3 of the General Clauses Act, 1897. X of 1897.

Omission of proviso in section 6 of Act XXI of 1883.

XXI of 1883. 3. In section 6 of the Indian Emigration Act, 1883, the proviso to clause (2) shall be omitted.

Insertion of new section after section 6 of Act XXI of 1883.

4. After section 6 of the said Act the following section shall be inserted, namely:—

Determination of certain doubts.

"6A. In case of any doubt or dispute as to whether a person should be deemed—

(i) to emigrate, or

(ii) to be a native of India,

within the meaning of this Act, the question shall be determined by such person and in such manner as the Governor General in Council may from time to time, by rules made under this Act, direct, and such determination shall be final."

Amendment of section 18 (1) of Act XXI of 1883.

5. In section 18, sub-section (1), of the said Act:—

(*a*) for the words "a Medical Inspector" the words "one or more Medical Inspectors" shall be substituted;

(*b*) after the word "lawful" the words "and may apportion their respective duties" shall be inserted; and

(*c*) for the word "him" the word "them" shall be substituted.

Addition of new clause in section 80 (1) of Act XXI of 1883.

6. In section 80, sub-section (1), the word "and", where it last occurs in clause (*p*), shall be omitted, and after the said clause the following shall be inserted, namely:—

"(*pp*) to prescribe the person by whom any doubt or dispute referred to in section 6A shall be determined and the procedure to be followed and the proof to be required in such cases; and".

J. M. MACPHERSON,

Secretary to the Government of India.

4a

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, NOVEMBER 13, 1908.

PART IV.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 23.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th October, 1908 :

No. 15 of 1908.

A Bill to give legal sanction to a marriage ceremony common among the Sikhs called Anand.

WHEREAS it is expedient to give legal sanction to a marriage ceremony common among the Sikhs called Anand; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Anand Marriage Act, 1908.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Validity of marriages solemnized according to the Anand ceremony.

2. All marriages and re-marriages duly solemnized according to the Sikh marriage ceremony called Anand shall be considered good and valid.

Saving of certain marriages.

3. Nothing in this Act shall apply to—

(*a*) any marriage which has been judicially declared to be null and void; or

(*b*) any marriage which may be contracted by such persons as are related to each other in any of the degrees of consanguinity or affinity prohibited among the Sikhs.

STATEMENT OF OBJECTS AND REASONS.

THE object of the Bill is to set at rest doubts which may be raised as to the validity of the marriage rite of the Sikhs called "Anand".

This form of marriage has long been practised among the Sikhs, but there are good reasons to believe that, in the absence of a validating enactment, doubts may be thrown upon it, and Sikhs may have to face great difficulties in the future, and incur heavy expenses on suits instituted in the Civil Courts. It is also apprehended that, in the absence of such a law, some judicial officers may be uncertain as to the validity of this orthodox Sikh custom.

It is desirable therefore that all doubts should be set at rest for the future, by passing this enactment, which merely validates an existing rite and involves no new principles.

RIPUDAMAN SINGH.

The 5th October, 1908.

J. M. MACPHERSON,

Secretary to the Government of India.

4 *a*

ANAND MARRIAGE BILL.

The Hon'ble TIKA SAHIB RIPUDAMAN SINGH OF NABHA moved for leave to introduce a Bill to give legal sanction to a marriage ceremony common among the Sikhs called Anand. He said :—" My Lord, the Statement of Objects and Reasons fully explains the object and scope of the Bill, so I need not trouble Your Excellency and my Hon'ble Colleagues with any further remarks."

The Hon'ble SIR HARVEY ADAMSON said :—" My Lord, the attitude of Government towards this Bill is at present one of neutrality. We will vote for the motions that are being made to-day, that is to say, we give the Bill a first reading, but the question of our final support must depend on the opinions which after publication are elicited from the Sikh community, whose interests it affects. I may add that the Government of India are always ready to give sympathetic consideration to any measure which professes to aim at promoting the interests of the Sikhs, whose bravery has won the admiration of the world, and whose loyalty to the British Crown has ever been steadfast."

The motion was put and agreed to.

The Hon'ble TIKKA SAHIB RIPUDAMAN SINGH OF NABHA introduced the Bill.

The Hon'ble TIKKA SAHIB RIPUDAMAN SINGH OF NABHA moved that the Bill, together with the Statement of Objects and Reasons relating thereto, be published in the *Gazette of India* in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

SIMLA :
The 30th October 1908.

J. M. MACPHERSON,
Secretary to the Government of India,
Legislative Department.

Government Gazette,

PUNJAB AND ITS DEPENDENCIES.

Published by Authority.

LAHORE, FRIDAY, DECEMBER 25, 1908.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Act of the Governor General of India in Council received the assent of the Governor General on the 11th December 1908, and is hereby promulgated for general information:—

ACT NO. XIV OF 1908.

An Act to provide for the more speedy trial of certain offences and for the prohibition of associations dangerous to the public peace.

WHEREAS it is expedient to provide for the more speedy trial of certain offences, and for the prohibition of associations dangerous to the public peace; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Indian Criminal Law Amendment Act, 1908.

(2) It extends to the Provinces of Bengal and of Eastern Bengal and Assam; but the Governor General in Council may, at any time, by notification in the Gazette of India, extend the whole or any Part thereof to any other Province.

(3) When extending Part I to any Province under sub-section (2) the Governor General in Council may declare the operation of the provisions of that Part relating to the constitution of the Special Bench to be subject to such modifications as may in the opinion of the Governor General in Council be necessary to adapt those provisions to the circumstances of that Province.

PART I.

SPECIAL PROCEDURE.

Application of Part.

2. (1) Where a Magistrate has taken cognizance of any offence specified in the Schedule, and it appears to the Governor General in Council or to the Local Government that in the interests of peace and good order the provisions of this Part should be made to apply to proceedings in respect of such offence, the Governor General in Council, or the Local Government, with the previous sanction of the Governor General in Council, may make an order in writing to that effect, and may by such order direct that the provisions of this Part shall apply to such proceedings.

(2) No order shall be made under sub-section (1) in any case in which an order of commitment to the High Court or Court of Session has been made under the Code of Criminal Procedure, 1898; but, save as aforesaid, an order may be made in respect of any offence whether committed before or after the commencement of this Act, or, in the case of a Province to which this Part is extended under section 1, before or after such extension. V of 1898.

Inquiry by Magistrate.

3. (1) On receipt of an order under section 2 the Magistrate who has taken cognizance of the offence, or any other Magistrate to whom the case has been transferred, shall proceed to enquire whether the evidence offered upon the part of the prosecution is sufficient to put the accused upon his trial for an offence specified in the Schedule, and shall for that purpose record on oath the evidence of all such persons as [11 & 12 Vict., c. 42, s. 25.]

may be produced in support of the prosecution, and may record any statement of the accused if voluntarily tendered by him.

(2) Where before the commencement of proceedings under this Act the evidence of a witness has been recorded under the Code of Criminal Procedure, 1898, in the course of an inquiry into the same offence as that to which such proceedings relate, such evidence may be treated for the purposes of this Act as if it had been taken under sub-section (1). V of 1898.

Inquiry to be *ex parte*.

4. The accused shall not be present during an inquiry under section 3, sub-section (1), unless the Magistrate so directs, nor shall he be represented by a pleader during any such inquiry, nor shall any person have any right of access to the Court of the Magistrate while he is holding such inquiry.

When accused person to be discharged.

5. When the evidence referred to in section 3 has been taken, the Magistrate shall, if he finds that it is not sufficient to put the accused upon his trial for an offence specified in the Schedule, record his reasons and discharge the accused, unless it appears to the Magistrate that the accused should be tried or committed for trial under the provisions of the Code of Criminal Procedure, 1898, for any other offence, in which case the Magistrate shall proceed accordingly.

Power to send accused for trial.

6. When upon such evidence being taken the Magistrate is satisfied that it is sufficient to put the accused upon his trial for an offence specified in the Schedule, he shall—

(a) frame a charge under his hand declaring with what offence the accused is charged,

(b) make an order directing that the accused be sent to the High Court for trial, and

(c) cause the accused to be supplied with a copy of the order and of the charge and of the evidence taken under section 3.

Joinder of charges.

7. In framing any charge under section 6 the Magistrate may also frame a charge for any offence not specified in the Schedule with which the accused may be charged at the same trial, and the procedure of this Act shall apply to any such charge.

Charge, etc., to be forwarded to High Court.

8. When an order for trial has been made under section 6, the Magistrate shall send the order together with the charge, the record of inquiry and anything which is to be produced in evidence to the Clerk of the Crown or other officer appointed in this behalf by the High Court.

Power to summon supplementary witnesses.

9. (1) The Magistrate may, if he thinks fit, summon and examine supplementary witnesses after the order for trial and before the commencement of the trial.

(2) When the Magistrate examines witnesses under sub-section (1) he shall forthwith cause the accused to be supplied with a copy of the evidence of such witnesses.

Witnesses for defence.

10. The accused may at any time before his trial give to the Clerk of the Crown or other officer as aforesaid a list of the persons whom he wishes to be summoned to give evidence on his trial.

Procedure in High Court.

11. (1) All persons sent for trial to the High Court under this Act shall be tried by a Special Bench of the Court composed of three Judges.

(2) No trial before the Special Bench shall be by jury.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

Bail.

12. No person who has been remanded to custody in the course of proceedings under this Act shall be released on bail under the provisions of section 497 of the Code of Criminal Procedure, 1898, if there appear to be sufficient grounds for further inquiry into the guilt of such person. V of 1898.

Special rule of evidence.

13. Notwithstanding anything contained in section 33 of the Indian Evidence Act, 1872, the evidence of any witness taken by a Magistrate in proceedings to which this Part applies shall be treated as evidence before the High Court if the witness is dead or cannot be produced and if the High Court has reason to believe that his death or absence has been caused in the interests of the accused. I of 1872.

Procedure.

14. (1) The provisions of the Code of Criminal Procedure, 1898, shall not apply to proceedings taken under this Part in so far as they are inconsistent with the special procedure prescribed in this Part. V of 1898.

(2) When holding a trial under section 11, the Special Bench shall apply the provisions of Chapter XXIII of the said Code with such modifications as may appear necessary to adapt those provisions to the case of a trial before the High Court without a jury.

PART II.

UNLAWFUL ASSOCIATIONS.

Definitions.

15. In this Part :—

(1) "association" means any combination or body of persons, whether the same be known by any distinctive name or not ; and

(2) "unlawful association" means an association—

(a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or

(b) which has been declared to be unlawful by the Governor General in Council under the powers hereby conferred.

Power to declare association unlawful.

16. If the Governor General in Council is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace, the Governor General in Council may, by notification in the official Gazette, declare such association to be unlawful.

17. (*1*) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term which may extend to six months, or with fine, or with both.

Penalties.

(*2*) Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

18. An association shall not be deemed to have ceased to exist by reason only of any formal act of dissolution or change of title, but shall be deemed to continue so long as any actual combination for the purposes of such association continues between any members thereof.

Continuance of association.

THE SCHEDULE.

(*See section 3.*)

1. Any offence under the following sections of the Indian Penal Code, namely:— XLV of 1860.

Chapter VI, sections 121, 121A, 122, 123 and 124.

Chapter VII, sections 131 and 132.

Chapter VIII, section 148.

Chapter XVI, sections 302, 304, 307, 308, 326, 327, 329, 332, 333, 363, 364, 365 and 368.

Chapter XVII, sections 385, 386, 387, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440 454, 455, 457, 458, 459 and 460.

Chapter XXII, section 506.

2. Any offence under the Explosive Substances Act, 1908; and VI of 1908.

3. Any attempt to commit or any abetment of any of the above offences.

STATEMENT OF OBJECTS AND REASONS.

Recent events have demonstrated that it is expedient to provide for the more speedy trial of anarchical offences, and for the suppression of associations dangerous to the public peace. This Bill has been prepared to meet these objects. Part I provides for the trial of certain offences by a Bench of three Judges of the High Court. In the procedure there is no formal commitment, but the case is prepared for trial by an *ex-parte* inquiry before a magistrate, and the trial is without jury. Two special provisions are made applicable to cases to which the Bill will apply. The first is that bail shall be refused so long as there is reasonable ground for further inquiry into the guilt of the accused. The second is that the evidence of witnesses who have been examined by the magistrate may be admitted at the trial if the witness is dead or cannot be produced, and the High Court has reason to believe that his death or absence was caused in the interests of the accused.

Part II provides for the suppression of unlawful associations. Such persons as are members of or in any way assist an association which encourages or aids the commitment of acts of violence or intimidation, or of which the members habitually commit such acts, are made liable to punishment, and a severer punishment is provided for persons managing or promoting such associations. Further the Governor General in Council is empowered to declare certain associations to be unlawful, and the same penalties are provided for persons who after this declaration maintain their connection with them.

The Bill extends in the first instance to the provinces of Bengal and Eastern Bengal and Assam, and the Governor General in Council is empowered to extend it to other provinces.

J. M. MACPHERSON,

Secretary to the Government of India.